TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 21, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Year End Budget Report

Due to hardware problems I am unable to include the "Year End" Budget Report in your weekend packet. I expect to have this problem resolved by the first of the week and will have the report on the table Tuesday evening.

Once again we have survived this year without filling several positions, thereby developing what I believe will be a fair amount of unused monies. As with the previous budget, this has been a conscious decision that was taken as a hedge against several potential problems that we identified early in the year (NESWC is a notable example). The continued slow economy in the early part of the year made this a realistic resource without causing major staffing problems. As we get closer to the end of the year we have either determined other methods of solving the problems or have better knowledge and confidence as to their significance and solutions.

Also, as with last year, the departments who agreed to leave their authorized positions vacant did so in the hope that, if we did not need the resources for the anticipated problems, they could improve their operating conditions and efficiencies by using some or all of the savings to further mechanize, computerize or complete selected projects (projects that are important but we were not able to plan for their funding at the budget preparation stage due to our limited allocation.) My report will reflect such proposals along with any unexpected or urgent situations that have occurred during the year and need attention at this time.

The economy is picking up rapidly and we are already making plans to fill the vacancies ... so I do not expect this circumstance to exist next year.

When you receive my report I would ask that you bear in mind the sacrifices of the people in the departments who have shouldered the burden of lesser manning in order to make monies available. I would also respectfully suggest that any appearance that we have "extra" monies (which we do not have and will not have next year) might be detrimental to both the upcoming Override vote and our collective bargaining efforts that are currently under way. For these reasons I would urge that the Board use care in any discussions of this subject. Any available monies have been developed through the sacrifice and hard work of our people. It would be a shame for them to lose the value of their efforts through the lack of understanding or appreciation of those on the outside who may not have the full story.

Of course, the flip side of the "extra" monies concern is the continuing proof that we are able to return substantial value to the taxpayer as a direct result of the Bottom Line Budget. The incentives for our people to work hard and sacrifice are tremendous. We have demonstrated this in spades for the last two years! By any measure this has translated into more and better taxpayer services for fewer dollars.

MEMORANDUM

18 May 1993

From:

P. Doré Hunter

To:

Town Manager

Subject: Town Organization Pamphlat

- 1. I think it would be useful to develop a pamphlet that outlined the organization, functions, major equipments and staffing of the Town government. I envision a fairly small publication that could be widely distributed and used to better inform the voters of the "big picture".
- 2. It might contain a two-three page "wiring diagram" of the town organization showing the appointing, reporting, budgeting and supervisory relationships between the various entities. The pamphlet might next might contain sections which expanded on each department, board or other entity be devoting one-two pages to a specific description of the responsibilities/functions of each, immediately followed by a one page listing of the assigned personnel with job titles and some pay scale generalization, in turn followed by a list of the major equipment/assets assigned to that entity. Finally the pamphlet might close with a section designed to be easily updated containing some long term operational statistics, recent budget numbers per entity and a current list of staff names.
- 3. My thought would be to update the pamphlet once a year, say in the fall, and have it available as a background document during the various events of the budget cycle and Town Meeting, as well as for year round handouts as appropriate.

4. I would appreciate your thoughts on this proposal.

F. DORE HUNTER
Copies to: Selectmen

TO: Wanda Null

FROM: Nancy Tavernier

SUBJECT: Library funding and certification

Thank you for your memo of 5/12/93 clarifying your statements at the recent Board of Selectmen's meeting in regard to the new override as it relates to Library Certification.

I was confused by your use of the term "current legislation" when you described the requirement that municipalities must appropriate an increase of 2 1/2% over the previous three budget years. I now understand that it is problem of semantics! Let me take a crack at a new description using the proper government terms.

Under EXISTING STATUTE (STATE LAW), municipalities are required to appropriate 2 1/2% over the average of the previous three budget years for library service to be certified by the Mass. Board of Library Commissioners. This is referred to as the Municipal Appropriation Requirement (MAR). The MAR is a "maintenance of effort" provision of Mass. General Laws, Chapter 78, Section 19A. The statute requires that, in order to be certified by the Mass. Board of Library Commissioners to receive the Library Incentive Grant (LIG) or Municipal Equalization Grant (MEG), a municipality must appropriate for its public library an amount that is at least 2 1/2% more than the average of the amounts it appropriated to operate its library over the prior three fiscal years.

LEGISLATION was ENACTED last year, as part of the state budget (Chapter 133, Acts of 1992), that revised the above state law for FY93 only, requiring municipalities to appropriate 95% of the average appropriations for libraries for the three years immediately preceding FY93. That requirement is in effect this year and Acton meets that standard for certification and is therefore eligible for state grants.

<u>LEGISLATION</u> is <u>PROPOSED</u> for next year, as part of the state budget submitted by the Governor, that repeats the same 95% requirement for next year, FY94 only. It is possible, according to the Board of Library Commissioners, that the standard for FY95 will require 100% of the average appropriation for the previous

three years. We will cross that bridge when we come to it.

It does not appear likely that the Legislature will move the 95% proposal to any higher figure for the next fiscal year, not when they are making further reductions in local aid to communities. There appears to be no discussion of adhering to the original state law standards of 2 1/2% increase. We should, therefore, all agree to the assumption that 95% is the current standard to meet.

Having worked in the fiscal policy area for a number of years, I have a personal bias against "maintenance of effort" regulations that become statutory because they fail to take into account the varying fiscal conditions of the future. That is why I am opposed to many sections of the Education Reform proposed legislation, because it imposes incredible "maintenance of effort" standards on communities which are unable to be met within the constraints of Prop 2 1/2. I hope the Board of Library Commissioners will continue to set reasonable guidelines in accord with the economic conditions of the future.

In regard to the budget numbers in your memo, they are very clear and I appreciate the format of the three scenarios you presented. Let me summarize:

ASSUMPTION-95% IS THE STANDARD FOR FY94.

- 1. Acton's MAR at 95% is \$369,958
- 2. Acton's B Budget is \$367,273 a deficit of \$2685
- 3. Acton's B+ budget is \$396,750 Meets MAR with cushion of \$26,792

If the override passes, the Library will meet the MAR standards with a cushion of \$26,792 in funding. It will also meet the book budget standard and will therefore fully qualify for certification.

If the override does not pass, Acton will have a funding shortage of \$2685 which will cause it to fail to meet the MAR standards of 95%. That shortfall would have to be funded to meet the MAR requirement or a waiver would be applied for. According to your figures, the book budget would be short approximately \$2634 and either funding or a waiver would solve that problem. Hopefully, both of these shortfalls could be covered with alternate revenue sources.

It would be proper to state that the passage of the override will assure the continued certification of the Library. It would be a little "iffy" to say that the loss of the override would result in decertification because of the waiver process. We would hope that the Trustees of both libraries would be fully supportive of the exploration of alternative revenues sources such as trust funds, private donations, and offsetting grants to cover those shortfalls.

Thanks for your prompt explanation.

cc Board of Selectmen
Town Manager
Memorial Library Trustees

BOARD OF LIBRARY COMMISSIONERS

§ 14. Establishment of board; members; appointment; term; by-laws; reimbursement; officers; staff

[See main volume for text of first to third paragraphs]

The board shall appoint a director and determine his duties and responsibilities and may at its discretion remove him. The board shall, upon recommendation of the director, appoint a deputy director and determine his duties and responsibilities and may at its discretion remove him. The director and deputy director shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The director and deputy director shall receive such other perquisites as the board may approve. The director and the deputy director shall not be subject to the provisions of section nine A of chapter thirty or of chapter thirty-one.

[See main volume for text of fifth paragraph]

Amended by St.1986, c. 217, § 11.

Historical and Statutory Notes

1986 Legislation

. A. Car

St.1986, c. 217, was approved July 14, 1986. Emergency declaration by the Governor was filed July 17, 1986.

and the first fight of the content according to the

St.1986, c. 217, § 11, by § 21 made effective as of July 6, 1986, provided for compensation of the director and deputy director under c. 30.

§ 19A. State aid; determination

The state treasurer shall annually, on or before July first, pay from monies appropriated from the Local Aid Fund for that purpose, to each city or town certified by the board of library commissioners to have met certain minimum standards of free public library service established by said board, an amount to be used for the free public library or libraries of said city or town, to be determined as follows:—

- (1) to each town having a population of less than two thousand five hundred, a sum equivalent to the amount appropriated by it for free public library service during the preceding year, but in no event more than one thousand two hundred and fifty dollars;
- (2) to each city and to each town having a population of two thousand five hundred or more, a sum not exceeding fifty cents for each resident therein; provided, however, that such city or town appropriates during the preceding year for its free public library service at least one thousand two hundred and fifty dollars;
- (8) to each city and town, in addition to the amount specified in paragraph (1) or (2), a sum determined by allocating the remaining available amount among the cities and towns according to the provisions of section eighteen C of chapter fifty-eight.
- (4) in addition to the amounts specified in paragraphs (1), (2) and (3), to each city or town whose library is designated a major nonresident lender by said board, an amount for the purpose of offsetting the costs of extending said service to nonresidents. Said amount shall be determined by said board by allocating the sum appropriated for this purpose according to criteria and formulae developed by said board in consultation with the regional public library systems established under section nineteen C.

No city or town shall receive any money under this section in any year when the appropriation of said city or town for free public library services is below an amount equal to the average of its appropriation for free public library service for the three years immediately preceding, increased by two and one-half per cent of said average. Said board may, upon petition of a community, waive aforesaid requirement upon demonstration of fiscal hardship. Said waiver may only be granted by said board in a given fiscal year to not more than ten cities and towns in the commonwealth.

Amended by St. 1987, c. 478, § 1; St. 1990, c. 121, § 68; St. 1992, c. 133, § 441.

1987 Legislation

St.1987, c. 478, § 1, an emergency a proved Nov. 4, 1987, rewrote this section

Historic

 $^{1}N_{\ell}$

1990 Legislation

St.1990, c. 121, § 68, by § 118 made ef July 1, 1991, in the first paragraph, subs "Categorical Grants" for "Local Aid".

St.1990, c. 121, was approved July 18 Emergency declaration by the Governce filed on the same date.

Section 101A of St.1990, c.:121, as ad St.1990, c. 150, § 868, provides:

"The provisions of this act shall be severable, and if any part of this act a adjudged unconstitutional or invalid, suement shall not affect the validity of othe thereof."

St.1990, c. 150, § 868, was approved a 1990, and by § 888 made effective as of 1990. A victima of the state o

1. In general

Board of Library Commissioners m waive conditions of grant eligibility set i G.L. ch. 78, § 19A. Op.Atty.Gen., Feb. 2 p.

Board of Library Commissioners may: purposes of determining grant eligibility G.L. ch. 78, § 19A, include as part of mu

فالطفية والإنجاب

§ 19B. State aid; annual repor

The board of library commissione library service and in certifying surequire the filing of an annual re-

[See main volum

- (4) employ trained library personne board of library commissioners.
 - (5) expend a reasonable portion (
- (6) lend books to other libraries i holders of cards issued by other pubasis.
- (7) include in their annual report the circulation as a percentage of the lift and subject to an audit by the state

Amended by St.1987, c. 478, § 2.

Historic

1987 Legislation

St.1987, c. 478, § 2, an emergency: proved Nov. 4, 1987, rewrote cl. (4); in

80



Acton Memorial Library

INTERDEPARTMENTAL COMMUNICATION

TO: Nancy Tavernier, Board of Selectmen

May 12, 1993

FROM: Wanda Null, Library Director

SUBJECT: Municipal Appropriation Requirement for Certification

To summarize and correct what I reported at last night's Selectmen's meeting:

Under current *legislation, municipalities are required to appropriate 21% over the average of the previous three budget years for library service to be certified.

Acton's MAR (municipal appropriation requirement) for fy 94 is \$ 399,165

(average of FY 93, FY 92 and FY 91 plus $2\frac{1}{3}$) \mathcal{N}/\mathcal{A}

Memorial Library "B" budget (Book budget reduced 16,323 Loss one FTE 29,744

Citizen's Library budget from Free Cash 24,528.

367,273.

342,755.

DATE:

Possible restoration to Memorial Library under pending override (one FTE)

29,477.

opply in Fy93
399, 165.

However, there is legislation pending which would, for FY 94 only, require municipalities to appropriate 95% of the average of the previouss three budget years to be certified.

If that passes, Acton's MAR would become 95% of the average of the previous three years - \$ 369,958.

If the legislation passes and the second override passes, Acton will be certified without having to apply for a waiver.(\$396,750>\$369,958) + 26,79

If the legislation passes and the second override does not, Acton will need to apply for a waiver to be certified. (\$367,750 < \$369,958)

If the second override does not pass, Acton will need to apply for a waiver to be certified in FY 94, regardless of whether legislation permitting municipalities to reduce their level of support to 95% of the average of the previous three years passes or not.

(\$367,273 < \$369,958 (\$367,273 < 399,165)

* havi-written notes by hency

In discussing what the MAR requirement would be in FY 94 with Diane Carty from the Board of Library Commissioners, it was stated that the Requirement might be 100% of the average of the previous three years budget. Ms. Carty indicated this interpretation was unlikely this year, but is planned in FY 95.

In the event of MAR being legislated as 100% of the average of the previous three years' appropriation, Acton's MAR for FY 94 would be \$ 389,430. If that is the case, the second override would still be needed to restore money to the personnel budget in order for Acton to become certified without applying the a waiver.

Regarding the criteria which requires 15% of the municipal appropriation be spent on materials:

Current FY 94 budget (Memorial Library B budget) 342,755. Citizen's Library funded fromm free cash) 24,528. 367.273.

15% equals

\$ 55,091.

Because Acton has lost substantial local aid, the materials expenditure could be prorated to a maximum of 25%.

This would require Acton to spend \$41,318 on materials (55,091. x 75%)

Memorial Library materials budget is \$ 40,000 Citizens' Library's budget for materials in FY 94 is unknown, but had typically been about \$2,000

It appears Acton could meet a prorated requirement for materials expenditure. This would reduce any MEG/LIG grants according to the formula.

Remember Acton must either meet the MAR or receive a waiver before the Board of Library Commissioners will even consider prorating either the requirment for materials expenditure or hours of opening.

Current FY 94 budget plus amount to potentially be restored after June 8th

(Memorial Library B Budget) Restoration of one FTE Citizen's Library	342,755 29,477 24,528
	396,750

15% equals

\$ 59,512.

Prorated as described above would require Acton to spend \$\frac{15}{44.634}\$ bn materials. This number exceeds the Memorial Librry's book budget and the anticipated Citizens' Library book budget.

SELECTMEN'S MEETING MAY 11, 1993

The Board of Selectmen held their regular meeting on Tuesday, May 11, 1993. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, and Town Manager Johnson



CITIZENS' CONCERNS

NONE EXPRESSED

Chairman Hunter noted the passing of Leo Mullin with sympathy expended to the his family. Mr. Mullin had been a Selectman in the Town of Maynard and active in many organizations during his performance of public service to the community.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON & NEW ENGLAND TELEPHONE

NORM LAKE - Moved to approve the joint petition for Pole location on Main Street at Woodbury Lane. ANNE FANTON - Second. UNANIMOUS VOTE

BOSTON EDISON

NORM LAKE - Moved to approve the petition for Conduit on Strawberry Hill. ANNE FANTON - Second. UNANIMOUS VOTE.

MOBIL OIL, 204 MAIN STREET - SITE PLAN #3/16/93-338

At the request of Mobil Oil, the Hearing was opened and continued to June 22, at 7:45 P.M.

ACTON MEDICAL INVESTOR, ONE GREAT RD - SITE PLAN #4/6/93-339

Dore' Hunter noted for the record the he has retained Mr. Kadison's services as a witness in an unrelated matter.

Atty. Kadison representing the petition outlined the process that has been followed beginning in 1988 to bring the Site Plan before the Board. The study for the Sewage treatment plant has been completed and approved. They feel that the improvements proposed will well serve the abutters as well as the Manor. Harry Donohue explained the proposal from an engineering position. Mr. Kevin Kline addressed the treatment of roof runoff. They have proposed to have the runoff diverted into a gas trap type drain instead of dentition pond areas. They feel that the safety of the residents and visitors as well as the visual impact will be best served by their plan.

The landscaping will be heavy as that is what the petitioner has indicated he wishes. They will have the final plan presented to the Town for Dean Charter's review and comment prior to

starting the work. He mentioned the paver access from Bayberry Road and said that it would be locked with a gate with police and fire having keys or emergencies.

Mr. Kadison said that the sidewalk along route 2a would be constructed if so required and if all State Permits could be obtained in order to do the work in the State's right of way.

The Water line was suggested by the Acton Water District and they feel it is a good idea and will do if possible.

Nancy Tavernier spoke to the issues mentioned. The sidewalk will be required and would hookup with Now and Then's.

Landscaping is a serious concern to the board especially because of the proximity of the neighbors. Concord has asked that the earth removal be done between the hours of 9-4. The Engineer was asked about the potential odors from the treatment plant and noise from the roof fan. The fan would be to remove the moisture from the building no odor. No hazardous material will be stored or required on site. Only chemical would be a nonhazardous type to remove the nitrates. No roof equipment will be required on any of the additions. Nancy felt the detention ponds would be dangerous and thought the board should waive the roof treatment in the administrative areas as long as no equipment was installed on the roof. In the 40 bed addition, she said she would prefer to see the current landscaping retained instead of constructing a detention pond.

NANCY TAVERNIER -Moved to grant waiver for treatment of roof runoff in the two areas as noted. NORM LAKE - Second. UNANIMOUS VOTE.

Norm Lake asked about the by-products of the wastewater treatment plant. The engineer explained that they use an aerobic process which uses bacteria to breakdown sewage and then the nitrates are removed and the water is clarified and the suspended matters are past through the system to the leaching field. Every year or two a septage hauler will remove any thing not passed through the system off site.

Mr. Yocum asked that the parking lot proposed for outside the administration addition be moved. There was discussion on process and Board of Appeals variances that would be required. The owners of the Manor said it was in the best location where they located it for backing in and out due to the curve of the driveway. They have assured that they will landscape to shield the headlights from the neighbors.

Anne wanted to be sure that they were committed to addressing the landscaping. They said they were and that a landscape architect would be retained and the Town would have final review over the plans.

NANCY TAVERNIER - Moved to take under advisement. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the consent calendar with the addition of the request from NOW declaring June 5 as BEAR Week. NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

B+ BUDGET DISCUSSION - Charles Kadlec urged the Board to delete the study from the priority list. He doesn't' think it is an item to maintain services.

Dore' felt it was within the physiology of the financial package to avoid the falling off of collections and therefore maintenance. Nancy feels it is a misnaming problem. It is made up of many modules to bring the Town Hall to full computerization. She feels that the override should address long term items and it will pay for itself in two years. She will feel very disappointed if it is removed from the list of restored items.

Anne felt that the paragraphs are very helpful and has re-written some of the descriptions. She too feels it is a maintenance item and wants it clearly outlined as such.

Norm said that if it would be very inadvisable to go to Town Meeting without a study to spend \$750,000.

Dore' mentioned that many of the financial people will be leaving and that it will take this to keep up the current status of collections. He asked staff to send a letter to staff thanking them for their continued efforts. Dore' asked Don to explain the positions added and hoped we get staff to develop staffing descriptions.

After much discussion it was decided to work on the title of the item. It could be changed to Intergraded Network System.

John Murray outlined the information received from DOR given to him by the RESTORE group. Jan Edry noted that the programs were written for towns. They are free and Boxorough, Lincoln have them currently. John said that the State has based their system on a base used from other towns. It was noted that there has been legislation afoot to discontinue the CAMA system for new subscribers from the Companies involved in developing assessing packages.

Janet Murphy commented on her conversation with Don Johnson. She agrees with Don that what is needed is an intergraded system. She wanted to know what the consultant would do an could we phase the program in. She felt you need the study, and unless you have a professional look at it you might make costly errors. John reminded them that we are bound to choose the low bidder by law.

Dore' read a memo from the Finance Committee. They have voted not to support the override. They have also asked to be involved in the Computer study if the Override passes.

LIBRARY CERTIFICATION - Wanda explained the appropriation formula. It is 2 1/2 percent above the previous 3 years. \$399,165. 95% of the previous year. New legislation would certify for FY94.

FREE CASH - Dore' discussed his Policy Memo #6. He asked the Town Manager for the status of funds to see if there are any transfers to Free Cash expected for the next meeting.

NANCY TAVERNIER - MOved to approve the list of restored cuts 18-28 to allow flexibility to revisit 1-17 should the opportunity become available. NORM LAKE - Second. UNANIMOUS VOTE.

REQUEST TO WAIVE FEE - Dore' felt if we do for one non-chartible organization we would have to do for all. The inspections cost staff time and we cannot begin to grant waivers from inspectional visits. The Town Manager was asked to notify the Women's Club of the Board's denial of waiver.

SPECIAL EMPLOYEE STATUS - The Board reviewed materials from Bruce Stamski and staff regarding his request in order to be able to perform work on the Pope Road Sidewalk. He has filed his disclosure statement with the Town CLerk as required under the Conflict of Interest Law. NANCY TAVERNIER - Moved to approve exemption from Special Employee Status. NORM LAKE - Second. UNANIMOUS VOTE.

Anne wanted to be sure that the sidewalk runs along through the trees as stated in the planning board decision.

CABLE GRANT - Dore' will represent the Board on May 19th. at the National Cable Television Library Grant ceremonies.

COMMITTEE ASSIGNMENTS - Dore' asked that staff forward a list of current outside committee assignments for discussion at the next board meeting.

COORDINATING COMMITTEE - It was decided not to meet with the committee until after June 8th when the new superintendent is in place and has had a chance to meet with the Town Manager. Dore' agreed given the comments read at the last school committee meeting by Mr. Aronson.

CEMETERY SIGNS - Staff to let the Commissioners know that we would like to hear their recommendations. It was noted that staff is in the process of developing wording.

MAPLE HURST FARM - Anne reported on her attendance at the Planning Board hearing.

RFP LEGAL SERVICES - Dore' will bring the proposed documents before the Board at the next meeting.

EXECUTIVE SESSION

ANNE FANTON - Moved to go into executive session to discuss contractual issues. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 10:15 P.M.

Clerk	
Date	

Christine Joyce Recording Secty. cmjW11-(392)

EXECUTIVE SESSION MAY 11, 1993



AUDUBON HILL

Don Johnson outlined the current status. The garage has not been mentioned but the \$25,000 figure is still there. Don said he is at the point to make the decision on acceptance.

Dore' said we have several options. 1. to accept as is.

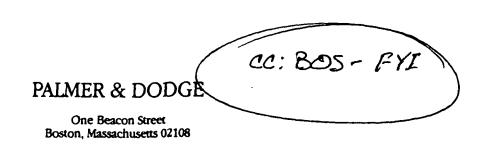
2. Pay for the add ons left off. 3. Reject the building. He felt we have a problem taking it on under the budgetary situation currently facing the town. He said that we might be able to do the work ourselves and we would have control over the work and cost coming from the \$130,000. It was noted that the items left to do for \$25,000 will not prevent us from taking the building.

It was decided to re-affirm our previous position. No more money to complete the building, and we will decide whether to accept it when it is offered.

The Board adjourned at 10:35 P.M.

Clerk			
Date		 	

Christine Joyce Recording Secty. cmjW11-(392)



Joseph F. Hardcastle (617) 573-0473

Telephone: (617) 573-0100 Facsimile: (617) 227-4420

May 17, 1993

Daniel J. Wagner 54 Great Road Acton, MA 01720

Re: Daniel J. Wagner v. Malcolm L. Burdine, et al., C.A. 179-0-81

Dear Mr. Wagner:

Last Wednesday I received a call from Debbie Patterson, the Land Court trial clerk, who informed me that you stopped by the Court to obtain a postponement of our pre-trial conference. I explained to Ms. Patterson that I had met with you at the Appellate Tax Board that morning and was aware that you would be visiting her and that, while I object to any delay in obtaining a trial date, I would be willing to agree to a short postponement in light of your statement to me that you had not yet prepared your written pre-trial submission and were not ready to go forward with the pre-trial conference.

I also explained to Ms. Patterson that you held me responsible for not advising you of what you needed to bring to the pre-trial conference and shared with her your theory that, since I am Acton's town counsel and you are an Acton resident, I am responsible for providing you with procedural legal advice. I cannot emphasize strongly enough that I am not your attorney and that you cannot rely on me to provide you with legal counsel. Moreover, the Town of Acton, which you sued, has no obligation to provide you with legal advice. You are free to hire an attorney if you feel you need one; otherwise, by choosing to assert this lawsuit pro se, you have assumed the responsibility of handling the matter yourself and of complying with the rules and orders of the Court. Furthermore, as Ms. Patterson pointed out to me, the Court provided you with explicit notice of what you are required to bring to the pre-trial conference.

I am told that our new pre-trial conference date is June 8, 1993. I have previously provided you with a draft Statement of Uncontested Facts, which we are required to jointly submit to the Court. Please let me know as soon as possible whether my draft is acceptable to you. If it is not, please forward to me any proposed edits or a draft of your own.

Thank you for your cooperation.

Sincerely,

Joseph F. Hardcastle

JFH\dcm

cc:

Garry Rhodes
Acheson H. Callaghan, Esq.

I.B.P.O. LOCAL #334 ACTON POLICE

ac: BOS- FYI

MR. DON P. JOHNSON TOWN MANAGER 427 MAIN STREET ACTON, MASS. 01720 MAY 13, 1993

SIR,

I HAVE RECEIVED YOUR LETTER REGARDING THE THIRD STEP GRIEVANCE HEARING HELD ON APRIL 23, 1993. BASED ON YOUR DENIAL OF THE GRIEVANCE, WE WILL BE PROCEEDING WITH STEP 4 OF THE CONTRACT AS IT PERTAINS TO THE HANDLING OF GRIEVANCES BY PETITIONING FOR ARBITRATION. PLEASE FIND ENCLOSED A COPY OF YOUR REPLY.

FRED RENTSCHLER

PRESIDENT LOCAL #334

Don P. Johnson Town Manager

April 30, 1993

International Brotherhood of Police Officers Local 334 P.O. Box 212 Acton, MA 01720

Attention: Grievance Committee

Subject: Crowley Grievance, Injured Leave

Gentlemen:

A Third Step Grievance hearing was held on April 23, 1993 regarding an appeal by Patrolman Crowley. The subject of the appeal related to the accounting of sick/"injured on duty" time that Officer Crowley has taken.

Officer Crowley attended the hearing along with other members of the Grievance Committee ... Union President Rentschler, Sergeant Nadeau and Officer Goodemote . The Town was represented by Chief Robinson and Assistant Town Manager, John Murray. All agreed that the time limits of the contract had been satisfied for the purposes of this hearing.

Officer Crowley presented the grievance and offered supporting documentation. Chief Robinson provided the Town's position and also offered supporting information. After both sides had completed their presentations they were asked to leave copies of all of their supporting documents for consideration. (As of this writing I have received all but one of the documents requested at the hearing ... the remaining document being a memo from the Chief to Officer Crowley that Officer Crowley promised to provide. The Decision has been made without benefit of that document.)

The essence of Officer Crowley's complaint is that he feels he received an on-duty injury (exposure to chemicals) on December 14, 1991, while responding to an alarm at the W.R. Grace site on Independence Road in Acton. On various occasions since the incident Officer Crowley has taken time off for illnesses that he feels result directly from the

incident at W.R. Grace. The Town has charged these days to "sick" time ... indicating that a relationship between the alleged incident and the illness has not been proven.

During the course of the hearing I indicated that I would consider the testimony and review the supporting documentation. I further indicated that I intended to seek any other information that I thought might be helpful in reaching a fair and just decision in this matter. All parties agreed. I have done just that.

Unfortunately, all of the reading and research has been inconclusive in nature. For each argument that seems to indicate the alleged incident caused the symptoms of which Officer Crowley complains, there seems to be refuting information indicating that the types of irritants/circumstances that would be necessary are not or were not, in fact, present on the site. Therefor, at this time, I am unable to draw a "cause and effect" conclusion.

Accordingly, I have made the following findings:

- 1. Officer Crowley has received full compensation during his "sick" days.
- 2. Officer Crowley accumulates 1.25 days of available sick time each month, in accordance with the terms of the Collective Bargaining Agreement.
- 3. Officer Crowley has incurred several medical expenses that he believes are a direct result of the alleged incident. Most of these expenses have been paid through the medical benefits plan of the Town. Some have not.

As stated above, the information available to me at this time is contradictory and inconclusive. This leaves me unable to find for either side. Accordingly, I conclude as follows:

- 1. Officer Crowley has not been harmed by the Town's accounting for his time-off as "sick" time. In fact, he has received full compensation for the days in question and the Town has not contested his absence on those days. Likewise, he has received the additional monthly accumulation or replenishment of sick day benefits in accordance with the terms of the Collective Bargaining Agreement.
- 2. The medical expenses that remain contested are nominal in nature. Officer Crowley is enrolled in one of the medical benefits plans of the Town. These remaining invoices can be submitted for payment through that

plan. There may be a small co-payment required for submission of these invoices and the Town, without prejudice to its position, might be willing to consider reimburse to Officer Crowley for the co-payment(s).

If information becomes available in the future that might help resolve this matter, I would be willing to revisit the question.

Very trul yours

Don P. Johnson Town Manager

cc: Officer Crowley Chief Robinson

DPJ:659

cc: Bos

ACTON SCHOOL COMMITTEE MINUTES

Library R.J. Grey Junior High School April 7, 1993

Members Present: Jean Butler, Stephen Aronson, Pam Harting-Barrat, Rick Sawyer, Lees

Stuntz, Micki Williams

Also Present: Bill Ryan, Mac Reid, Dan Leclerc, Fran Leiboff, Steve Desy, school

principals, citizens and press

The meeting was called to order at 11:21 p.m. by Jean Butler, Chairperson.

PUBLIC PARTICIPATION: None.

SUPERINTENDENT'S RECOMMENDATION FOR APRIL

Mac Reid gave the Committee several changes in the "B" Budget (compared to April 1 meeting). The SPED Department Chair cut was changed from .25 FTE to .2; one ESL Ass't position was added back into budget; library media ass't cut went from .5 to .4; 4 SPED Ass't positions will be affected vs. 6; Speech and Language cumulative cut is .2 FTE of 4.

It was moved (Bill Ryan), seconded and unanimously

<u>VOTED</u>: That the total budget for the Acton Public Schools for the fiscal year

July 1, 1993 through June 30, 1994 be set at \$9,160,034 and that it be reduced by estimated revenue from School Choice funds in the amount of \$72,850. The total net budget for the local schools for FY '94 would

be \$9,087,184.

Bill particularly thanked Mac Reid and Jim Chace, as well as other staff members who participated in the extraordinarily difficult task of formulating and refining the "B" Budget.

It was moved, seconded and unanimously

Uzirin.

<u>VOTED</u>: Not to reappoint Carol Walsh, currently on an Externship at Lincoln

Lab, for the 1993-94 school year.

<u>CONCERNS OF THE BOARD</u>: Micki Williams asked about opening the Merriam School if more funds become available. Bill said we will wait until after town meeting before any decisions are made; we will keep our options open. If forced transfers are necessary, they will be minimized as much as possible. We will need to put some classes in Merriam under any scenario. Kindergarten enrollment will be postponed until after town meeting.

Rick Sawyer commented that he hoped in the future a balance could be struck in the schools, which reflected life long vs. short term interests.

There was discussion regarding the Compromise Proposal from the Coordinating Committee. It was moved, seconded and unanimously

<u>VOTED</u>: To support the Compromise Proposal with the exception of the first bullet under #2 and the first bullet under #4.

Jean will poll the Boxborough members of the Regional School Committee.

. The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Sarah T. Lawton, Secretary, pro tempore

(cc: Bos

ACTON SCHOOL COMMITTEE

Library
Junior High School

April 1, 1993

MAY 1 7 1933

Members Present:

Jean Butler, Steve Aronson, Pam Harting-Barrat, Rick Sawyer, Lees

Stuntz, Micki Williams

Also Present:

Bill Ryan, Dan Leclerc, Fran Leiboff, Mac Reid, Citizens, Press

The meeting was called to order at 10:45 P.M. by Chairperson Jean Butler.

WARRANTS 92-112 in the amount of \$416.66 and 93-017 in the amount of \$74,536.10 were signed by the Chairperson and circulated to the other members of the Committee.

MINUTES of the March 11, 1993 meeting were approved as written.

PUBLIC PARTICIPATION: Suggestion was made that the B budget should be restructured. Clarification was offered that the B budget allows for a modified Merriam. Charlie Kadlec requested information as to how many choice students we have, K-6, and how choice money is used. Question was asked why kindergarten registration was postponed - does it have something to do with the reopening of Merriam? Bill answered that at this time we are not sure how many sections we are going to have in each school. We will reschedule after Town Meeting. Basically the money coming in this year is around \$4,000 per student. This year about \$75,000 was used to reduce local school budget for FY'93. \$167,379 in budget - salaries \$102,000; K assistants, etc., \$36,000; course reimbursements \$6,500; total outlay \$22,500; total \$167,000. Choice budget for next year will be approximately the same. We will have a problem with the choice budget next year - not as many choice students. At the local level we will lose sixth grade kids. Number will go down because we don't have space. There was a brief discussion of the differences between the House and Senate versions of the school reform bills. Bills will go to conference committee and the results will go back to the House and Senate, so at this time we don't know the result.

EDUCATION REPORT by Dan Leclerc. The Health Education report is identical to the Region report. We are conducting both a Social Studies and Math curriculum review process. The Social Studies review is a bit more comprehensive both through grade level meetings and the curriculum committee. Our goal is to try to achieve a balance. Maria Marolda is helping us with math. Rick Sawyer referred to his comments about Health Education at the Regional meeting earlier this evening. Dan added that we should be looking at a more multicultural and diversified program.

NON-REAPPOINTMENT OF NON-TENURED STAFF.

It was moved, seconded and unanimously

VOTED: To approve the list of non-tenured staff to be notified of non-

reappointment as set forth in Attachment A.

REJECTION OF BIDS FOR CONTRACTED CLEANING.

It was moved, seconded and

VOTED: To approve the recommendation to reject all bids at this time as they are not in

the best interests of the District.

Five members voted in favor of the motion: Steve Aronson voted no.

DISCRETIONARY LEAVE REQUEST

There was a discussion of Sandra Wileknsky's request for a four-day-a-week leave of absence

from April 26 to June 11 and the possible impact on her students and possible alternatives to her request. Steve Aronson expressed appreciation for Sandy's careful thought that went into making her request, but stated concerns about the interruption of the week; however, he has confidence in the recommendation. Carol Place, who has a student in her class, feels confident that the schedule will work well.

It was moved, seconded and unanimously

<u>VOTED</u>: To approve Sandra Wilensky's request for a discretionary leave of absence from April 16, 1993 to June 11, 1993.

CONCERNS OF THE BOARD

Mac summarized the B Budget cuts totaling \$558,173, FTE 18.8. Art teacher .2 cut; one less classroom next year than we had this year, .25 computer assistant who works system-wide to support computer teaching; curriculum specialists will go to 1.5; one custodian cut - we now have two night custodians for four buildings and will go to one night custodian for four buildings; EDCO cut 100%; \$20,000 cut McCarthy-Towne contracted services instead of the reading teacher cuts in the other elementary schools; cut first grade at McCarthy-Towne - average class size will go from 21.1 to 22.7; cut a second grade section at Gates - average class size for all second grades will go from 23.7 to 25.6; cut a grade 3 at McCarthy-Towne - average class size from 23.5 to 25.6; cut grade 4 at Gates - class size from 23.9 to 26; cut grade 6 at Douglas - class size 24.2 to 26.6. Bill Ryan commented that we could do a modified Merriam and cut out a lot of the initial support cost. Discussion of moving sections and concerns about forced transfers followed. A modified Merriam would still leave us with space problems down the road. Mac observed that the more sections we put there the more support we need in terms of secretarial help, etc. Credibility is a consideration. The School Committee has to decide if we will in fact do all the things we said we would do. Bill advised that there is \$15,000 in the budget for a staff leader if we go with a modified Merriam. A member of the audience questioned other than the political impression that you didn't really have the money, what is the down side? The answer is that we can't open Merriam without the resources we had hoped to have. It would take a lot of parent volunteerism. Carol Place commented that if we place all the classes over there we would have to give up the computer lab. Lees asked if the grant money Merriam was going to request is in jeopardy. Answer - no, we can still try for that. Charlie Kadlec asked the whereabouts of furniture that was at Merriam when it closed. It has been used in other schools. Steve Aronson said if there is an effort to restore some of the override, we should be prepared to show what would be saved in the event of a favorable vote. Charlie Kadlec said that if we expect to get part of the override back, the worst reason we could give is to retain the rights of parents to choose their children's school. It hasn't been said that allowing this would not cost any money. If you now say it will cost money to continue this, be careful about raising money to maintain that freedom. Steve Aronson responded that class size and freedom of choice have been basic issues, and as Bill says we now have to make a value judgment of either cut out courses and programs or lose the luxury.

Bill Ryan publicly thanked Mac, saying we couldn't have managed this budget without his expertise and help. It isn't a pleasant process. A lot of us have put in time, but Mac deserves a lot of credit.

Jean Butler asked if we do re-locate in some way, does that mean we have to restore busses? Answer: No.

The meeting adjourned at 12:00 midnight.

Respectfully submitted,

Doris E. Koch Secretary, Pro Tempore

Volunteer Coordinating Committee Minutes 3 May 1993

Present: Comstock, George, Husbands, Kadlec, Lane, Whitcomb

Meeting was called to order at 7:30 pm at Town Hall.

Minutes of 22 March 1993 were approved as corrected. These corrections included the names of the personal appointed to the Cable Advisory Committee:

Sharon Ingraham James Shelton

Laura Hirsch Alfred Weissensee Leslie Hogan Michell Granat

John Covert

Interviews:

Michael Lynch appeared before the Volunteer Coordinating Committee applying for a position on the Historical District Commission. Mr. Lynch is an attorney with Morrison and Hawkins in Boston Massachusetts. He has lived in Acton for 4 years and in the Commonwealth of Massachusetts for 8 years. He has an interest in architecture and would like to become involved in community service. He believes that his background would be of benefit to the Historical District Commission as they are currently seeking an attorney to help provide interpretation on legal matters.

Nicholas Miller was interviewed for a position with the Board of Appeals. Mr. Miller is currently involved with the Master Plan Coordinating Committee and is acting in this capacity as citizen at large. He is presently a noise control consultant and in this capacity must deal with the resolution of disputes between parties. These disputes are associated with conflicts in technology growth, and the effects of this growth on the standard of living. He believes that these skills would be useful for conflict settlements encountered in actions before the Board of Appeals. Mr. Miller indicated he is interested in public service and would be open to suggested positions on other Town committees.

Board of Selectmen Action:

No appointments were made by the The Board of Selectmen between meeting dates.

Response from Committee Chairmen:

Information on membership and goals was received back from thirteen committees, these include the Prison Advisory Committee, Hanscom Field Advisory Commission, Conservation Commission, and the Board of Assessors, Board of Appeals, Cemetery Commissioners, Historical Commission, Historic District Commission, Recreation Commission, South Acton Revitalization Committee, Commission on Disability, Finance Committee and the Planning Board.

VCC Actions:

The description of the duties and activities of the VCC, for the membership and goals document, was left unaltered. Officers for next year and the division of work responsibility was discussed. Walter George was nominated and elected unanimously as next years VCC Chairman.

Recommendations:

A motion was made to recommend Michael Lynch as an Alternate Member of the Historical District Commission. The motion was carried unanimously.

Sworn In:

Walter George indicated that Connie Ingram was sworn in as a member of the Commission on Disability on 14 April 1993, with a term expiring on 30 June 1993.

John Covert was sworn in as a member of the Cable Advisory Committee on 7 April 1993 with a term expiring 30 June 1996.

Michell Granat was also sworn in as a member of the Cable Advisory Committee on 28 April 1993 with a term expiring 30 June 1996.

The meeting was adjourned at 9:22 pm with the next meeting scheduled for 17 May 1993.

Respectfully Submitted,

Charles R. Husbands cc Board of Selectmen, Town Clerk

RECEIVED & FILED

DATE May 12, 1993

cc:Bos

OWN CLERK, ACTON Planning Department

Town of Acton

472 Main Street Acton, Massachusetts 01720

(508) 254-9636

South Acton Village Planning Committee (SAVPC)

Minutes for Meeting of:

March 23, 1993

Members in attendance: Bob Pion, Betsy Eldridge, William Shupert (Trey).

Also present: Roland Bartl (Town Planner).

Minutes of March 9, 1993 were approved.

Announcements: The Board of Selectmen confirmed in a letter to the Planning Board that it is their intent to meet the June 30 deadline concerning the Mill Corner gift offer.

Next Meetings: The 4/13 regularly scheduled meeting conflicts with Town Meeting. It was decided to reschedule that meeting to take place on 4/13 at 4:30 PM at the parking lot behind the South Acton Fire Station. From there the committee will tour South Acton Village. The 4/27 meeting will remain as scheduled and will be exclusively reserved to discuss potential zoning changes.

South Acton Village Tour: To better understand how existing zoning and possible future zoning changes might affect the village, the committee will take a close look at current massing of buildings and their relation to each other, existing building setbacks and related issues. The committee will also look at sidewalks, vacant parcels, intersections, the train station and parcels adjoining it, Fort Pond Brook and Mill Pond.

Project Time Line: Roland reviewed the original time line for the South Acton Village Plan and revised proposed new time line since the project has now clearly fallen behind schedule. New target date for plan adoption and any proposed zoning changes is April 1994. Much of the work until then is focused on zoning analysis and potential changes to be made.

Plan contents: Most of existing conditions and inventory work has been completed at least in draft form. Roland suggested that, due to increased work load in the Planning Department for development reviews, the detailed demographics section of the village plan be omitted and simple reference be made to the demographics section of the Master Plan.

Zoning:

1. Village District boundary changes, as tentatively agreed upon in November 1992, were briefly discussed. It was agreed to let them stand for now but the subject needs to be revisited for changes.

2. The committee began its review of Table of Principle Uses as it affects the South Acton Village District and agreed to propose the following:

3.2 General Uses

3.2.1 Agriculture

3.2.2 Conservation

no change

no change

3.2.3 3.2.4	Earth Removal Recreation	change: S	SPA to NO
3.3 3.3.1 3.3.2 3.3.3 3.3.4	Residential Uses Single Family Dwelling Single Family Dwelling with one Apartment Dwelling Conversion Multifamily Dwelling (up to 4 units)	change: S	Y(3) to Y SPA to Y N to Y
3.4	Governmental, Institutional, Public Service		
	no change throughout section		
3.5 3.5.1	Business Uses Retail Store (in Section 5.5.2 change floor area ceiling to 3000 5000 s.f. by special permit)	no change s.f., with u	p to
3.5.2	Business or Professional Office (in Section 5.5.2 change floor area ceiling to 3000)	no change	
3.5.3	Financial	no change	
3.5.4	(in Section 5.5.2 change floor area ceiling to 3000 Restaurant	no change	
3.5.5	Hotel, Inn. Motel (limit to 8 rooms)	no change	
3.5.6	Combined Business and Dwelling (eliminate special SAV requirements of 3.5.6)	change: S	SPS to Y

To be continued at 4/27 meeting.

Next meeting: Tuesday April 13, 1993, 4:30 PM, South Acton.

Next regularly scheduled meeting: <u>TUESDAY - APRIL 27, 1993</u>:
- Minutes
- Zoning Changes

Minutes approved (May 11, 1993).

Town Clerk, Planning Board, Board of Selectmen cc:

[RHB.SAVPC*1]

Cathorine Bellin TOWN CLERK, ACTON

cc: Bas

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

South Acton Village Planning Committee (SAVPC)

Minutes for Meeting of:

April 13, 1993

Members in attendance: Betsy Eldridge, William Shupert (Trey), Sushama Gokhale, Sam Manka, Roger Andrews.

Also present: Roland Bartl (Town Planner), Anne Forbes (Historic District Commission).

The committee toured South Acton Village as outlined in March 23, 1993 mimutes. Anne Forbes gave a historical perspective.

Next regularly scheduled meeting: <u>TUESDAY - APRIL 27, 1993</u>:

- Minutes

Zoning Changes

Minutes approved (May 11, 1993).

cc: Town Clerk, Planning Board, Board of Selectmen

[RHB.SAVPC*1]

BOS/ Clerki

ACTON RECYCLING TASK FORCE

Meeting Minutes

Date: April 6, 1993

Location: Acton Town Hall, Room 126

Members present: Peggy Mikkola, Rosemary Lundberg, Nancy Tavernier

The meeting convened at 9:15AM. Minutes of 3/1/93 were accepted as written.

Beacon Update:

Kent Quirk cannot do articles for Beacon so Rosemary will do the next three months. The first will be on the topic of what to do with the items that are not accepted at the Recycling Center.

Operations:

Recycling Center seems to be running very smoothly. Each member should review the current signage to see if any changes need to be suggested.

Education:

The Brochure was finally printed after nearly 6 weeks of hassles with Minuteman HS, the Beacon, and the Post Office. It was discovered, by the Beacon, that the printing order was 500 copies short so Nancy had to go back to Minuteman for an additional 1000 copies, which they did at no charge. However, the copies were not on heavy paper and were only one color. The overall quality of both printings of the brochure was disappointing.

The extra copies were delivered by the Task Force to the Libraries, the Town Clerk's Office and the Transfer Station gate house.

Peggy will write a letter to the editor thanking the donors to the brochure and clarifying some of the information in the brochure (magazines, cardboard, and needing trash).

Recycling Master Plan:

The committee reviewed the draft of the Master Plan and made revisions. The Final Report and Master Plan will be presented to the Board of Selectmen on June 8 for their deliberation and implementation.

Next Meeting: May 17 at 1PM. We will set a time to take Maya out to lunch.

٢



ACTON HISTORICAL COMMISSION

Minutes of Monthly Meeting April 11, 1993 Acton Town Hall

Meeting opened at 8:10 P. M. with the following members present: Anita Dodson, William Klauer, Virginia Milbery, Robert Rhodes and Associate Member David Harris.

Leo Bertolami, owner of 103 Great Road, brought new plans (by Surveyor Bruce Stamski) showing proposed relocation of house to rear of property. He claims property has been appraised at \$500,000+, is not insured and was listed with Priscilla Denehy of Coldwell Banker, Hunneman & Company in December 1992. Ms. Denehy was also present. (A hearing was held October 11, 1992 for demolition of this house.) Commission will hold a meeting at a later date to make a decision.

Discussed Planning Board Article 23 on Town Meeting Warrant, allowing multi-family dwellings in non-conforming zones.

Invited to visit Wetherbee Tavern, after renovations, in June.

Brett's Yarn Shop and adjacent house at 356 & 358 Great Road are for sale.

Received notice from Volunteer Coordinating Committee regarding proposed appointment of Victoria Beyer as Associate Member.

Discussed houses to be inventoried.

Meeting adjourned at 10:15 P. M.

Virginia Milbery, Secretary

Minutes Ft. Devens Task Forçe March 4, 1993

Members Present: Carol Place, Mark Donohoe, George Neagle, John Ekberg

- 1. The meeting started at 7:30 p.m. in Room 121 of the Acton Town Hall.
- 2. Minutes from the January 21st meeting were approved (and lauded).

3. New Business:

- a. Carol wrote a 2 paragraph overview for inclusion in the Town's Annual Report.
- b. Mark presented comments on the NEPA scoping, along with a copy of the letter he will submit as a private citizen. Carol will present our collective comments to Nancy.
- c. On the JBoS request for regional input, John will get more information on exactly what Acton can do. Most of the task forces involve work within the Fort or the 4 town boundaries and thus not something Acton needs to be involved in.
- d. Task Force will target June for the next meeting with our BoS. This will allow the SAR to be complete, the override vote to settle in, BRaC '93 to report, and allow us a "year in review" and a "year in preview" since it will be the Task Force's anniversary.

4. Old Business:

- a. Carol will write up a short article for the Beacon in the next few weeks.
- b. Carol talked to the Volunteer Coordinating Committee; in terms of membership, she will write up a letter recommending Marilyn become a full member, and Dave and Albert (to be verified this weekend) be removed from the Task Force due to personal reasons. The Committee will then interview for 2 more alternates.
- 5. <u>Member reports</u> were not given since most have been written up extensively. There was a general discussion of the situation regarding the Land Bank & JBoS relationship, the homeless coalitions, and the Native American tribes.

6. Meetings:

- a. Task Force: April 15 and May 27, 7:30, Town Hall
- b. JBoS monthly meetings ... John
- c. SAR Roundtable ... Marilyn
- d. Charrette ... Mark
- e. CAC ... George
- f. Redevelopment Corporation negotiations ... Carol
- g. Housing Alliance ... not considered worthwhile to attend.
- h. Cultural, Archaeological & Historical Resources ... not considered worthwhile to attend.
- 7. Meeting adjourned at 8:40 p.m.

John Ekberg

10 May 1993

F. Dore' Hunter, Chairman Board of Selectmen Town Hall Acton, MA 01720

Dear Mr. Hunter:

Thank you for addressing the matter of the "How Great We Are" presentations at Town Meeting. Elimination of these oral presentations will do much to expedite the business of Town Meeting. Your recommendation to include such material in either the Town Report or a handout is sound. I hope your proposed policy memorandum is embraced by the Selectmen and the School Committees.

Sincerely,

Ray Bintiff

2 Powder Horn Lane Acton, MA 01720 cc: Bos

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 5/13/93

). alfi

TO:

George Robinson, Chief of Police

FROM:

David F. Abbt, Engineering Administrator

SUBJECT: Lawsbrook Road/School Street Intersection

As you may have already noticed, the Highway Department has recently completed modifications to the Lawsbrook Road/School Street intersection that alter the traffic flow so that School Street/Lawsbrook Road becomes the through way and the stop sign is relocated to School Street south bound from Route 2. The Board of Selectmen has approved these changes and the Traffic Rules and Orders have been properly amended.

During the initial "break in" period while the motoring public is adjusting their driving habits to accommodate these changes, your department may wish to increase the "Police visibility" at this intersection to show a commitment on the part of the Town to enforcing this new traffic pattern. Also, during this period of adjustment, there is a likelihood of an increased accident potential that your department should be alert to in the interest of public safety.

DFA/dmi

cc: Don P. Johnson, Town Manager L

[.93*206]

cc: BOS - FYI

10 Wood Lane Acton, MA 01720 May 13, 1993

Honorable Board of Selectmen Acton, MA

Ladies and Gentlemen:

We wrote to you on February 17 requesting that the Town take action to protect certain Town land on Wood Lane. To date we have not received a response from you or directly from any other Town agency. We are enclosing a copy of the earlier letter and request that a response be sent to us.

On May 6, Mr. Gates visited Town Hall and determined that the Conservation Commission and the Engineering Department were aware of the letter, and was given a copy of the response from the Engineering Department to the Town Manager. In the Town Manager's office he was informed that they remembered the situation and thought that a letter had been written and sent to us. Of course it is possible that a letter was lost in the mail. In any case, Mr. Gates was told that the matter would be taken up with the Town Manager and that a duplicate copy would be mailed to us. As of today, we have not received anything.

We would appreciate the courtesy of a reply. Even more satisfying would be a commitment that the Town will protect this attractive and valuable Town property. Thank you.

Sincerely yours,

Joan and Walter Gates

cc: Town Manager

BOS-

THIS WAS ADDRESSED
PRIOR TO RECEIPT OF
THIS LETTER... IT HAD BEEN
PREPARED BUT FAILED
TO GET OUT IN THE MAIL
TO THEM. MY ERROR.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: May 20, 1993

TO: Roland Bartl

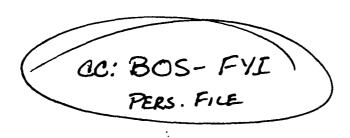
FROM: Don P. Johnson, Town Manager

SUBJECT: Mill Corner Sewer Lines

I am in receipt of your letter to Raymond Murphy at Palmer & Dodge regarding options the Town has with respect to Mill Corner. I note particularly your comments in paragraph #3 regarding sewer lines.

My observation is that there is no obvious advantage to the Town in owning these particular lines. In fact, there seems to be only liability ... especially given the earlier indications that the developer/condo did not want any financial impact to them if the Town built a plant for them. I would suggest that you think this aspect out carefully and/or perhaps give me some better understanding of your rationale.

cc: Board of Selectmen



40 Ethan Allen Drive Acton, Ma. 01720

April 26, 1993

Mr. Douglas Halley
Board of Health
Acton Public Health Nursing Service
473 Main St.
Acton, Ma. 01720.

Dear Mr. Halley:

Please accept my resignation from the position of On Call Nurse which will be effective June 1, 1993.

I have been working with APHNS since August 1991 and have been doing patient case management since that time. Despite that fact, I do not feel that On Call Nurses should have the responsibility of case management. I believe I have functioned in an extended nursing role beyond your job description of On Call Nurse. Specifically, to name a few examples, I have picked up supplies for the office, for patients and as mentioned earlier, done case management. The additional burdens of losing a nurse, who was not replaced, having an uneven distribution of terminally ill patients and not having the benefit of a full time Nursing Supervisor for 3 months has made me cognizant of the fact that I am over extended, overwhelmed and unappreciated by Board of Health administration.

In contrast, I want to express that my association with Teri Calderaro, Linda Martin, Sharon Malone, and Patti Shanteler has been exceptional in every detail. They are extraordinary professionals. Polly Ginn and Cathy Crowther are also very creditable and dedicated employees. This agency is indeed fortunate to have these exceptional people, and because of them, I leave with sadness and regrets.

Sincerely,

Jo Ann B. Straker, RN

MARTIN T. MEEHAN 5TH DISTRICT, MASSACHUSETTS

1223 LONGWORTH HOUSE OFFICE BUILDING WASHINGTON, D.C. 20515 (202) 225-3411

COMMITTEES:

ARMED SERVICES
SUBCOMMITTEE ON MILITARY FORCES AND PERSONNEL
SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY
SUBCOMMITTEE ON READINESS

SMALL BUSINESS

SUBCOMMITTEE ON SBA LEGISLATION
AND THE GENERAL ECONOMY
SUBCOMMITTEE ON REGULATION, BUSINESS OPPORTUNITIES
AND TECHNOLOGY

May 12, 1993

Congress of the United States

House of Representatives

Washington, **BC** 20515-2105

00: BOS

DISTRICT OFFICES: 11 KEARNEY SQ. LOWELL, MA 01852 (508) 459-0101

BAY STATE BUILDING 11 LAWRENCE ST. SUITE 806 LAWRENCE, MA 01840 (508) 681-6200

Walker Building 255 Main St. Room 102 Marlborough, MA 01752 (508) 460-9292

Bos:

THIS IS THE INTRO.

YOU LAST WEEK.

Don Johnson, Town Manager Acton Town Hall 472 Main Street Acton, MA 01720

Dear Mr. Johnson:

This letter is to thank you for agreeing to host my June 7, 1993 conference on national health care reform and for making the Acton Town Hall available for this event.

The goal of this conference is to give health care providers and consumers across the southern part of the Fifth District an opportunity to share their views on the development of proposals for national health care reform. The diversity of knowledge and experience available in our district is an invaluable resource that can contribute greatly to the kind of health care system our country needs.

With that said, I would be honored to have you provide a welcoming address to those participating in the conference. This event will also be covered by "live" by Cablevision and rebroadcast to several area towns.

My Special Projects Coordinator, Maria Dragon, is in charge of setting up this conference. She can be reached in my Lowell office at 459-0101 to answer any questions or concerns you may have.

Thank you again for all your assistance in helping with the conference. I look forward to hearing from you and seeing you on June 7.

Sut

Marty Meehan Member of Congress

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 20, 1993

TO: Nancy Tavernier

FROM: Don P. Johnson, Town Manager

SUBJECT: Concord Auto Auction

I received your message re the Concordian's complaint about the operations of the Auto Auction last week. Garry Rhodes had received the same complaint and followed up by putting the folks from the Concordian in touch with Tom Caruso of the Auto Auction.

It seems that there was some sort of "repossession" activity at the time in question that was apparently causing the commotion. After obtaining this information from Mr. Caruso the people from the Concordian talked to Garry again and told him that they were satisfied and did not wish us to take the matter further.

The situation seems to be under control at this point.
Unless you feel there is reason to pursue it further, Garry and I will assume your concerns are satisfied. Please advise if this is not satisfactory.

cc: Board of Selectmen



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

COVER LIR. & Pp 1-3
FULL DOC. IN RF

Department of Environmental Protection

MAY - 7 1933

William F. Weld Governor Daniel S. Greenbaum Commissioner

May 5, 1993

Dear Local Official:

Contamination from oil and hazardous materials can endanger people, property, and the environment. The longer a disposal site remains unattended, the greater the chances that contamination will spread, dangers will increase, and the costs of cleanup will escalate.

The State Superfund Law (Chapter 21E of the Massachusetts General Laws, enacted in 1983) provided the Department of Environmental Protection (DEP) with authority and some resources to attack the problems caused by releases of oil and hazardous materials. The January 1993 <u>List of Confirmed Disposal Sites and Locations to be Investigated</u> provides an update on our progress toward investigating, assessing, and cleaning up disposal sites, as of December 31, 1992. This report shows that, ten years after the State Superfund Law was enacted, there are now more than 5,700 sites and potential sites in the system-- a five-fold increase since 1987, when DEP first started publishing lists of confirmed and suspected sites. It should be noted that there are an unknown number of additional sites to be identified.

Cleanup work has been completed at 256 sites, and is underway at another 1,436 locations (25% of all sites) with confirmed and suspected problems. Most of the work at these sites is being conducted by the potentially responsible parties. DEP is currently spending public funds at 74 sites. However, DEP does not have enough staff to work on the remaining 75% of sites where the potentially responsible parties have failed to act.

In an effort to encourage private parties to take action and increase the pace of cleanup, in July, 1992, M.G.L. c. 21E was substantially amended to:

- o <u>assist private sector cleanup</u> by establishing clear responsibility and incentives for timely cleanups, reducing the number of DEP approvals required in most cases, and relying on opinions provided by professionals licensed by the Commonwealth to manage response actions, and
- o <u>focus DEP's resources</u> on activities where they are most needed, including site discovery, overseeing cleanups, cleaning up sites where the private sector is unable or unwilling to act, and developing clear and practical standards and guidelines for responding to releases of oil and hazardous materials.

DEP is now revising the Massachusetts Contingency Plan (310 CMR 40.00, the regulations which implement M.G.L. c. 21E) to implement the 1992 amendments. These regulations will be promulgated in July 1993, and will take effect on October 1, 1993.



CC: BOS - COVER PAGE
FULL DECISION IN RF

PLANNING BOARD

Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

DECISION

RECEIVED & FILED

Preliminary Subdivision Plan Acorn Park PUD

May 12, 1993

Bankar Srows

DECISION of the Planning Board (hereinafter the Board) on the application by Acorn Park Realty Trust (hereinafter the Applicant) for property located in Acton, Massachusetts owned by the Applicant. The site of the proposed subdivision is located at 460-480 Great Road and shown on the 1992 Acton Town Atlas Map C-4, parcels 21 and 21-5 through 21-11.

This DECISION is in response to an application for approval of a Preliminary Subdivision Plan entitled "Preliminary Plan of proposed Subdivision Acorn Park, Planned Unit Development (PUD) Acton, Mass." received by the Acton Planning Department on March 19, 1993 pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and under the Acton Subdivision Rules and Regulations (hereinafter the Rules).

Mr. Kirk Ware of Acorn Park Realty Trust presented the proposed Subdivision Plan to the Board at its regularly scheduled meeting on May 10, 1993. He was assisted in his presentation by Mr. Bruce Stamski of Stamski & McNary, Inc. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- EXHIBIT 1 A Preliminary Subdivision Plan entitled "Preliminary Plan of Proposed Subdivision Acorn Park, Planned Unit Development, Acton, Mass." drawn by Bruce M. Stamski of Stamski & McNary Inc., 80 Harris Street, Acton, MA, dated 11/9/92, revised 3/12/93 (Sheet 1 of 2)
- EXHIBIT 2 A Preliminary Detail Sheet dated 11/9/92, revised 3/12/93 (Sheet 2 of 2).
- EXHIBIT 3 Supplementary items and documentation required by the rules consisting of the following:
 - a. A properly executed Application for Approval of Preliminary Plan, Form PP, dated 3/12/1993.
 - b. Filing Fee in the Amount of \$3919.50.
 - c. A completed Development Impact Report, Form DIR.
 - d. List of Requested Waivers.
- EXHIBIT 4 Copy of completed Water Impact Report Form dated 3/12/93 filed with the Water Supply District of Acton.



CC: BOS - COVER PAGE
FULL DECISION IN RF

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

DECISION

RECEIVED & FILED

Preliminary Subdivision Plan Acorn Park PUD

May 12, 1993

Barbar Brown

DECISION of the Planning Board (hereinafter the Board) on the application by Acorn Park Realty Trust (hereinafter the Applicant) for property located in Acton, Massachusetts owned by the Applicant. The site of the proposed subdivision is located at 460-480 Great Road and shown on the 1992 Acton Town Atlas Map C-4, parcels 21 and 21-5 through 21-11.

This DECISION is in response to an application for approval of a Preliminary Subdivision Plan entitled "Preliminary Plan of proposed Subdivision Acorn Park, Planned Unit Development (PUD) Acton, Mass." received by the Acton Planning Department on March 19, 1993 pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and under the Acton Subdivision Rules and Regulations (hereinafter the Rules).

Mr. Kirk Ware of Acorn Park Realty Trust presented the proposed Subdivision Plan to the Board at its regularly scheduled meeting on May 10, 1993. He was assisted in his presentation by Mr. Bruce Stamski of Stamski & McNary, Inc. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- EXHIBIT 1 A Preliminary Subdivision Plan entitled "Preliminary Plan of Proposed Subdivision Acorn Park, Planned Unit Development, Acton, Mass." drawn by Bruce M. Stamski of Stamski & McNary Inc., 80 Harris Street, Acton, MA, dated 11/9/92, revised 3/12/93 (Sheet 1 of 2)
- EXHIBIT 2 A Preliminary Detail Sheet dated 11/9/92, revised 3/12/93 (Sheet 2 of 2).
- EXHIBIT 3 Supplementary items and documentation required by the rules consisting of the following:
 - a. A properly executed Application for Approval of Preliminary Plan, Form PP, dated 3/12/1993.
 - b. Filing Fee in the Amount of \$3919.50.
 - c. A completed Development Impact Report, Form DIR.
 - d. List of Requested Waivers.
- EXHIBIT 4 Copy of completed Water Impact Report Form dated 3/12/93 filed with the Water Supply District of Acton.

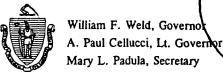


CC: BOS - WE ARE WERKING ON THE ACTION STMT. APR 27

ŗ

CC! ROLAND DEAN

/5/20



Dear Chief Elected Official:

We have a number of grant programs available for municipalities. The Massachusetts Small Cities and the Municipal Incentive Grant Programs are available to implement a wide variety of community development, planning and municipal activities.

Because most of those programs require similar background information, we have developed a Community Action Statement to allow you to put that information together in one place for a three year period, and update it as needs are addressed or others emerge.

This form is a <u>planning tool</u> that will assist in setting goals for your community. Sections should be completed by departments, and returned to you for a public forum to prioritize your local needs.

To apply for Small Cities Grants, the statement must be filed by August 1, 1993. Except for Massachusetts Community Capital Fund (Small Cities) and Municipal Incentive Aid Grants, all other grant applications submitted to this Division after August 1st must include a Community Action Statement, unless previously filed.

It is the responsibility of the chief elected official(s) to assure that the statement is completed and returned by August 1st.

To request a copy for your community contact us as follows:

Bureau of Small Cities: 617-727-0494
Bureau of Local Economic Development: 617-727-7180
Bureau of Municipal Management: 617-727-3253
Bureau of Planning and Regionalism: 617-727-3197

Or call toll free at 1-800-392-6445, leave a message and we will send you the statement.

cc: Planning Directors

Community Development Directors Economic Development Directors CC: ROY W. DEAN C.

60 Temple Place, Boston, MA 02111 (617) 426-7272 or 800 882-3498 Pacsimile (617) 426-9546

important

2 508 339 9896

MIIA EXPANDS INSURANCE COVERAGES FOR POLICY YEAR '94

for Board of Selectmen

Date:

May 18, 1993

Subject:

Insurance Coverage Enhancements for Policy Year '94

With the renewal of your insurance contract just around the corner, MIIA is pleased to advise you that the following coverage enhancements will be provided to you at no additional cost for the new Policy Year:

- * A higher aggregate limit of \$3,000,000 for General Liability will replace the current \$2,000,000 limit and will now apply on a per location basis.
- * The no fault Medical Payments limit in the General Liability form will be doubled from \$5,000 to \$10,000.
- * The Pire Legal Liability sublimit will be doubled from \$50,000 to \$100,000.
- * The HIIA form will include in its coverage athletic and playground equipment such as backstops and jungle gyme at unnamed locations. This coverage is currently included for named locations and adjacent premises only.

In addition, we are happy to inform you of the following optional coverage enhancements:

- * Replacement Cost coverage will be available on trucks and fireengines with cost new values of \$25,000 and upwards. (This coverage is already available on private passenger vehicles.)
- * Paramedic Liability coverage will be available in the General Liability form. Currently, paramedics can only be insured on a separate policy.
- * Auto Physical Damage doverage will be available on firemen's personal vehicles This coverage will be provided as excess over the fireman's personal auto policy, and will have a limit of \$5,000, including reimburaement for the fireman's deductible. Coverage will apply only while firefighters are going to or returning from an official fire department call.

MIIA continues to understand and address the needs of its member communities. MIIA offers a unique expertise in handling your coverages. We look forward to your continued participation in the MIIA programs.

If you have any questions about your insurance options for Policy Year '94 or if you wish to meet with a MIIA representative, please contact Betty Stahl or Mark Lundegree at 800~882-1498.

An Interlocal Service of the Massachasetts Municipal Association



Cover PAGE IN PACKETS
FULL DOE. IN RF.

The Ledger

Executive Director – Christopher I. Devanev Administrative Assistant-Christine Kyan Special Projects – Bonnie Cameron

MAY 1 7 1933

Serving The Greater Acton Area

May/June 1993

BOARD OF DIRECTORS ELECTS OFFICERS

The Board of Directors of the Acton Chamber of Commerce officially elected a new slate of officers for the 1993/94 term at their regularly scheduled meeting on Wednesday, May 5, 1993.

The new Executive Board includes Stephen Aronson, Star Consultants, President; Sandi Pitcher, Cambridge Shop, Vice-President; Daral Ferguson, Nuclear Metals, Inc., Treasurer and William Lawrence, Concord/Acton Industrial Park, Clerk. Richard Pansire of Setra Systems will serve as the Immediate Past President. Congratulations to the new officers!

CHAMBER MEMBERS IN THE NEWS

Moms Away of Littleton and Discovery Museums of Actonare teaming up on a get-away weekend June 11 through June 13. Contact Marcia Marcantonio, 486-8368 or Pat Beran, 264-4201 for more information on this exciting weekend.

The Book Company, Nagog Square has announced a 15% discount to all Acton Chamber of Commerce members. Be sure to let them know you belong to the Chamber.

Congratulations to Rich Valarioti, Midas Muffler & Brake Shop who was recently named Rookie of the Year for the Northeast region and the entire United States at the Midas national convention in California. Good work, Rich!

FOURTH ANNUAL MEETING A SUCCESS

Nearly 80 people were on hand at the Fourth Annual Meeting of the Acton Chamber of Commerce on Wednesday, April 21, 1993 at the Westford Regency Inn & Conference Center. WHDH-TV News Anchorman, R.D. Sahl was the featured speaker. He presented some of his views on today's media and his work with Channel 7. He also fielded a wide range of questions from the audience.

Outgoing Chamber President, Richard Pansire, Setra Systems conducted the official Annual Meeting portion of the breakfast meeting. As the 1993 Nominating Committee Chairman, he also recognized the slate of candidates who will serve on the Chamber's Board of Directors. They include Stephen Aronson, Star Consultants, 3 year term; Patricia Beran, Discovery Museums, 3 year term; Paul Der Ananian, CPA, 2 year term; William Lawrence, Concord/Acton Industrial Park, 2 year term; Joan Meyer, Acton Real Estate, 3 year term; Mark Scheier, Scheier & Katin, P.C., 3 year term; Glenn Smith, Emerson Hospital, 3 year term and Paula Wright, McDonald's for a 3 year term.

Dick also thanked retiring Board member, Charles "Chip" Agule, Shane & Paolillo, P.C. for his term on the Board and his work with the Chamber's finance committee.

Continuing Board members were also recognized. They include Tallene Baxter, Westford Regency & Conference Center; David Beardsley, Prints Charming; Daral Ferguson, Nuclear Metals; Kathy Hagen, K.L Hagen & Associates; Anne McDonald, Law Office of Henry Hogan III; Richard Pansire, Setra Systems, Sandi Pitcher, Cambridge Shop and Mardi Smith, Uniglobe Northrop Travel.

Chamber Executive Director, Christopher Devaney also made some brief remarks and presentations. Dick Pansire was asked to remain at the podium following his remarks. At that time he was presented a framed caricature to commemorate his term as president of the Chamber. Thanks were also extended to the other 1992; 93 officers. They included Anne McDonald, Vice President, Steve Aronson, Treasurer and Bill Lawrence, Clerk.

Marcia Strempek, Hudson National Bank was presented with a gift basket from Baskets Abound as thanks for her hard work and dedication on the Chamber's Board. She moved to Idaho late last month with her husband Cary. Larry Quigley, Concord Auto Auction has been elected to complete the remainder of Marcia's term on the Board.

Many thanks to this year's Annual Meeting sponsors. They are Baskets Abound, CML Group, Printing Solutions, Setra Systems and Uniglobe Northrop Travel. Their generous support directly contributed to the success of the event.

Commonwealth of Massachusetts District Courts of Massachusetts

Middlesex	M	i	d	đ	1	e	s	e	x	
-----------	---	---	---	---	---	---	---	---	---	--

Town of Acton, Board of Selectmen

٧s

Samuel G. Sawyer

Judge's Hearing

DECISION

After a hearing, the Court affirms the decision of the Board of Selectman in the above named matter.

Gilgun, J.

May 6, 1993

cc: Bos

CHRIS - PLS. CACL MRS. CONLEY
AND ADVISE HERE. I BELIEVE
THERE IS NO FURTHER APPEAL.

TOWN OF ACTON BUILDING DEPARTMENT

GARRY A. RHODES BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts

(508)264-9632

May 20, 1993

Acheson H. Callaghan Palmer & Dodge One Beacon Street Boston, MA 02108

Re: Board of Appeals Civil Action Regarding Mobil Oil Sign 523 Massachusetts Avenue

Dear Mike:

I am writing as a follow-up of our recent telephone conversation regarding the above matter. I have been attempting to resolve this issue since June, 1992. The four main issues involved in these actions are:

01720

- (1) internal illumination;
- (2) material of sign;
- size of sign;
- (4) colors of the sign.

Mobil Oil has indicated that they are willing to install a wooden sign. By doing so issues (1) and (2) would be resolved. At the annual Town Meeting, the sign Bylaw was amended by deleting Section 7.4.1.3 which reads as follows:

7.4.1.3 In addition to Section 7.4.1.2 above, letters, logos, symbols and drawings on a SIGN in the Village Districts shall be kept in one light color on one dark background color, with an optional third color used sparingly for emphasis and trim only.

This resolves the color issue as tricolor signs are now allowed in a Village District which meets Mobil Oil's request.

The remaining issue is the size of their sign. The Acton Historic District Commission has the authority to allow a monument sign of 32 square feet as long as it is not higher than 7 feet 6 inches or wider than 4 feet 6 inches.

This issue has not been completely agreed to and depends on a positive decision from the Historic District Commission.

It is my opinion that Mobil Oil is dragging their feet and needs to decide the issue. I would appreciate any help you may be able to give to move this issue forward.

Sincerely,

Garry A. Rhodes

Building Commissioner

m er

vironmental engineers, scientists, planners, & management consultants

CAMP DRESSER & McKEE INC.

Ten Cambridge Center Cambridge, Massachusetts 02142 617 621-8181

May 18, 1993

Ms. Lynne Jennings U.S. Environmental Protection Agency Region I 90 Canal Street Boston, MA 02114

Mr. Edmond Benoit Regional Engineer Bureau of Waste Cleanup Massachusetts Department of **Environmental Protection** 75 Grove Street Worcester, MA 01605

Subject: W.R. Grace & Co.

OSA Monitoring Well Work Plan, May 1993

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) is pleased to submit the May 1993 Other Source Area (OSA) Monitoring Well Workplan for Grace's Acton, Massachusetts facility. Responses to the Government Parties' February 26, 1993 comments on the April 1993 draft Other Source Area Monitoring Well Workplan are included with this workplan.

Please call me at 617-252-8817 or Bruce Conklin at 617-252-8832 if you have any questions or comments on this submittal.

Very truly yours,

CAMP DRESSER & McKEE INC.

Emily S. leave

Emily S. Leone

Project Engineer

ESL:paa

Enc.

798-128-RT-OSAIN

Approved by:

Bruce R. Conklin, P.E.

Bun R. Coll

Vice President

May, 14, 1993/Alert #7 CC: BOS-I HAVE SPOKEN W/ PAM RE ALL OF THIS.

URGENT: ASK LEGISLATORS TO SUPPORT THE 5 POINT MUNICIPAL AGENDA

MAY 1 7 1933

Within the next two weeks the House is expected to take up its version of the FY '94 budget. In addition, there have been numerous reports that the conference committee on the education reform bill may be getting closer to completing its work.

Please call your legislators as soon as possible and ask them to support the five point municipal agenda listed below.

Split off the funding provisions of the education reform bill. The education funding formulas contained in both the Senate and House versions of the education reform bill are seriously flawed and cannot possibly be implemented for the school year beginning in September 1993. Urge your legislators to pass the "education" reform" portions of the bill - curriculum, tenure, testing, etc. - but go back to the drawing board of the education funding formula. Restore the \$185 million in base education aid and distribute the \$175 million in new education funds that have been promised as part of the education reform bills. These funds must be included in the FY '94 budget. The delays in completing the education reform legislation have forced municipalities to adopt school budgets without knowing what funds will be available to support education spending. The legislature should distribute the new \$175 million in a simple, fair way that gives each community per-pupil aid and also contains funds distributed on an equalizing basis. Restore \$47 million in lottery funds to cities and towns. Cities and towns are not receiving the growth in lottery revenues. The \$47 million dollar figure represents the complete increase in lottery funds from FY '93, which is \$23 million, plus an additional \$24 million in lottery funds that the Lottery Commission is projecting for FY '94. Even with this increase the state would still be able to amintain its \$75 million diversion. This is an absolutely crucial item -- the legislature must not take away this key source of local aid. Restore \$37 million in road funds. In the FY '93 budget the legislature included \$37 million in cash-grant Chapter 90 money for road and bridge repair and maintenance. These funds were not included in the Governor's FY '94 budget. The \$37 million expenditure can easily be afforded from the \$288 million surplus in the highway fund.

Oppose the changes to municipal health insurance contained in the so-called Mara bill. The Mara language, which may be added to the House budget, attempts to change Chapter 32B by providing an alternative method of health care coverage, but would actually impose strict mandates on any municipality accepting this provision. The latest version would reinstate mandated equaldollar employer health care contributions if a primary carrier is offered, and would mandate 90% employer contributions if no primary carrier is offered. These requirements are a step in the wrong direction, particulary in light of the changes being formulated at the national level.

As of now we anticipate that the House Ways and Means Committee will unveil its version of the main budget sometime during the week of May 17 and the full House would begin debate as early asthe week of May 24. Please call your legislators as soon as possible and get their commitment on these key items.

Please don't delay -- we will provide you with full details on the budget as soon as it is available, but we need you to begin lobbying immediately. Thank you!

conception whethe Humanthuesth West Hangastra Shoda Island Verticon



United States Environmental Protection Agency Region 1

Office of External Programs John F. Kennedy Federal Building Boston, Massachusetts 02203

US EPA RA OFFICE BOSTON, MA

Connecting Mains Acrossophiesthe Marchathire Reacts toland Victoria

CC: BOS

D. HALLEY

S. ANDERSON

EPA Environmental News

For more information call

Lynne A. Jennings, Project Manager (617) 573-9634 Kristen D. Fadden, Community Relations (617) 565-4154

FOR INMEDIATE RELEASE WAY 18, 1993

> EPA AND MADER MEETING TO DISCUSS REMEDIAL DESIGN FOR W.R. GRACE SUPERFUND SITE

BOSTON -- The U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MADEP) announce a public meeting on Thursday, June 10, 1993 at 7:00 pm at the Acton Town Hall to present the remedial design and the schedule for upcoming cleanup activities at the M.R. Grace site in Acton, Massachusetts. The design package (entitled the 1004 Design Submittal, April 1993) is currently available for review at the Acton Memorial Library on Main Street.

Community members are encouraged to comment on the design at the meeting or in writing; all public comments will be considered in finalizing the remedial design. Written comments should be sent to Lynne A. Jennings, Remedial Project Manager, U.S. EPA, JFK Federal Building (HSV-CAN5), Boston, NA 02203.

In addition to the EPA and MADEP meeting, W.R. Grace will be conducting additional informal meetings to continue to inform the local citizens about site activities and to address any questions or concerns that develop as the project continues. W.R. Grace will schedule these meetings subsequent to the June 10, 1993 Meeting. W.R. Grace encourages interested citizens to attend these meetings and voice their concerns.

The approved cleanup plan, or Record of Dacision, includes the excavation of soils and sludges from on-site disposal areas. The contaminated soils and sludges will be treated on site by the VFL Stabilization Process. This method involves combining the excavated material with fly ash, cement, and quickline to form a solid mixture which will contain the contaminants and prevent further migration. The stabilized mixture will be placed on top of the existing industrial landfill and covered with an impermeable cap, which prevents water from coming into contact with buried wastes and producing contaminated runoff.

In addition, the cleanup plan includes improving the existing ground water treatment system at the site by installing additional monitoring wells and a new recovery well around the

\$120

landfill perimeter. These wells were installed between December, 1992, and January, 1993.

The contract for construction of cleanup measures is scheduled to be awarded in August, with construction activities to begin in the Fall of 1993.

The W.R. Grace site is located off Independence Road in Acton and Concord, Massachusetts. The site has been used for industrial purposes since the 1800s. Since purchasing the property in 1954, Grace's manufacturing operations at the site produced a variety of liquid, solid and hazardous substances, which were disposed of in various on-site locations. In 1980, all on-site waste disposal at the facility ceased, and in early 1982, Grace discontinued its organic chemical division, the primary source of hazardous wastes generated at the site.

In 1983, the Grace site was included on the National Priorities List (NPL), making it eligible for federal cleanup funds. EPA issued a Record of Decision in 1989, describing the selected cleanup plan for contamination at the Grace site and establishing cleanup goals for each site disposal area.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 19, 1993

TO: David Abbt

FROM: Don P. Johnson, Town Manager

SUBJECT: Marshall Land

The Town Clerk's office received the attached documents via Certified Mail this afternoon. I have given them a quick look and they do not appear to require any action on our part ... save possibly having you look at the amended plans to see if we might object.

Please look this material over and let me know if you concur with my assessment. Forward it to Palmer & Dodge if you determine that it does require action. Also, check out the revisions as you deem appropriate.

Please advise me of your findings.

By copy of this information to the Assessing Department I am asking Brian to evaluate whether this is material to any of the assessments.

cc: Board of Selectmen
Assessing Department
Town Clerk

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

CASE NO. 16078-S1993-03-A (SEAL)

TO: Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust, John H. Valentine, Jr., Elizabeth H. Valentine, Town of Carlisle, all of Carlisle, in the County of Middlesex (North); Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, Town of Acton, both of Acton, in the County of Middlesex, (South); USTrust Company, 40 Court Street, Boston, in the County of Suffolk, Nashua Valley Council Boy Scouts of America, Lancaster, in the County of Worcester, all of the Commonwealth of Massachusetts; Charlotte L. Dexter, Trustee of the Drake Trust, of Meredith, New Hampshire.

You are hereby notified that a complaint has been filed in this Court by Andrew C. Bailey and Fiduciary Trust Company, Trustees of MSM Trust under Declaration of Trust, dated February 23, 1989 registered as Document No. 794041, representing that:

- 1. Certificate of Title No. 18489 issued by the North Registry District of Middlesex County stands in the names of Mary S. Marshall, of CArlisle in the County of Middlesex and Commonwealth of Massachusetts and Andrew C. Bailey, of Dedham in the County of Norfolk and said Commonwealth, Trustees of MSM Trust under a Declaration of Trust, dated February 23, 1989 and registered February 24, 1989, being Document No. 794041.
- 2. Petitioners have caused to be filed in the Engineering Department of the Land Court in Boston Plan No. 16078-E.
 - 3. Said Plan No. 16078-E delineates:

The subdivision of part of land shown on prior Land Court Plan No. 16078-A into one lot to be shown as Lot 7 on Plan No. 16078-E.

4. Said Plan discloses differences between old record information and new field information which cannot be adequately reconciled without slight adjustments to record information.

Petitioner prays that Plan No. 16078-E be approved.

It is, <u>ORDERED</u>: that a copy hereof be mailed by certified mail to the following: Charlotte L. Dexter, Trustee of the Drake Trust, P.O. Box 978, Meredith, New Hampshire 02353; Gladys D.

Pannell, Trustee of the Gladys D. Pannell Realty Trust, 570 West Street, Carlisle, MA 01741; Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, 140 Nagog Hill Road, Acton, MA 01720; Nashua Valley Council Boy Scouts of America, c/o David Skorupski, Scout Executive, 1980 Lunenburg Road, Lancaster, MA 01523; John H. Valentine, Jr., Elizabeth H. Valentine, 566 Acton Street, Carlisle, MA 01741; USTrust Company, 40 Court Street, Boston, MA 02108; Town of Acton, 472 Main Street, Acton, Ma 02108; Town of Carlisle, 22 Bedford Road, Carlisle, MA 01741.

and if you desire to make any objection or defense to said petition, you or your attorney must file a written appearance and an answer under oath setting forth clearly and specifically your objection or defense to each part of said petition in the office of the Recorder of this Court, in Boston, at the Suffolk County Courthouse, on or before the 28th day of JUNE, 1993.

By the Court.

Attest:

Charles W. Trombly, Jr. Recorder

Dated: May 18, 1993

I hereby certify that I have mailed the above as directed, by certified mail.

Recorder

Attorney for Petitioner:

Walter G. Van Dorn Powers & Hall, P.C. 100 Franklin Street Boston, MA 02110-1586

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

CASE NO. 16078-S1993-03-B (SEAL)

TO: Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust, John H. Valentine, Jr., Elizabeth H. Valentine, Town of Carlisle, all of Carlisle, in the County of Middlesex (North); Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, Town of Acton, both of Acton, in the County of Middlesex, (South); USTrust Company, 40 Court Street, Boston, in the County of Suffolk, Nashua Valley Council Boy Scouts of America, Lancaster, in the County of Worcester, all of the Commonwealth of Massachusetts; Charlotte L. Dexter, Trustee of the Drake Trust, of Meredith, New Hampshire.

You are hereby notified that a complaint has been filed in this Court by W. Laurence Marshall, et al, representing that:

- 1. Certificate of Title No. 6008 issued by the North Registry District of Middlesex County stands in the names of W. Lawrence Marshall Jr. and Mary S. Marshall, of Acton, in the County of Middlesex, and Commonwealth of Massachusetts.
- 2. Petitioners have caused to be filed in the Engineering Department of the Land Court in Boston Plan No. 16078-D.
 - 3. Said Plan No. 16078-D delineates:

The subdivision of part of land shown on prior Land Court Plan No. 16078-A into one lot to be shown as Lot 6 on Plan No. 16078-D.

4. Said Plan discloses differences between old record information and new field information which cannot be adequately reconciled without slight adjustments to record information.

Petitioner prays that Plan No. 16078-D be approved.

It is, <u>ORDERED</u>: that a copy hereof be mailed by certified mail to the following: Charlotte L. Dexter, Trustee of the Drake Trust, P.O. Box 978, Meredith, New Hampshire 02353; Gladys D. Pannell, Trustee of the Gladys D. Pannell Realty Trust, 570 West Street, Carlisle, MA 01741; Trustees of the Acton Boy Scout Trust, c/o Michael LaFoley, 140 Nagog Hill Road, Acton, MA 01720; Nashua Valley Council Boy Scouts of America, c/o David Skorupski, Scout Executive, 1980 Lunenburg Road, Lancaster, MA 01523; John H.

Valentine, Jr., Elizabeth H. Valentine, 566 Acton Street, Carlisle, MA 01741; USTrust Company, 40 Court Street, Boston, MA 02108; Town of Acton, 472 Main Street, Acton, Ma 02108; Town of Carlisle, 22 Bedford Road, Carlisle, MA 01741.

and if you desire to make any objection or defense to said petition, you or your attorney must file a written appearance and an answer under oath setting forth clearly and specifically your objection or defense to each part of said petition in the office of the Recorder of this Court, in Boston, at the Suffolk County Courthouse, on or before the 28th day of JUNE, 1993.

By the Court.

Attest:

Charles W. Trombly, Jr. Recorder

Dated: May 18, 1993

I hereby certify that I have mailed the above as directed, by certified mail.

Recorder

Attorney for Petitioner:

Walter G. Van Dorn Powers & Hall, P.C. 110 Franklin Street Boston, MA 02110-1586

MDC/ml

PALMER & DODGE

One Beacon Street Boston, Massachusetts 02108

Acheson H. Callaghan, Esq. (617) 573-0178

Telephone: (617) 573-0100

Facsimile: (617) 227-4420

April 26, 1993

Mr. Don Johnson Town Manager P.O. Box 236 Acton, MA 01720

Dear Don:

I enclose our bill for services in March. There were no very large matters, but we did have some unavoidable time on the Co-Operative Bank settlement, though most of the negotiations were handled by the Commission.

If you have any questions, please let me know.

CC: Bos

Very truly yours,

AHC/dcb

Enclosure

CHRIS- PLS. PREPARE FOR PYMT.

COVER & Z

- & Z PAGE SUMMARY.

CONSERVATION DEPT

 $\left(\right)$

April 26, 1993

PALMER & DODGE

One Beacon Street Boston, Massachusetts 02108-3190 Telephone: (617) 573-0100

FEDERAL I.D. NUMBER 04-2170788

PLEASE RETURN THIS COPY WITH YOUR PAYMENT TO ENSURE PROPER CREDIT

Town of Acton P.O. Box 236 Acton, MA 01720

For professional services through March 31, 1993, as follows:

General Town Matters

Review of warrant and motions for town meeting and advice relating thereto;	\$ 800.00
Review and advice on various zoning and subdivision issues;	650.00
Advice concerning changes in law relating to municipal tort liability;	400.00
Advice relating to various lands and street layout issues;	850.00
Miscellaneous other services on general town matters;	75.00
Litigation and Related Matters	
Miscellaneous services in <u>DiDuca</u> v. <u>Planning Board and</u> <u>Town of Acton</u> (Farm Hill subdivision);	300.00
Services in connection with various tax abatement appeals;	2,500.00
Miscellaneous services on labor and personnel matters;	1,300.00
Services in connection with settlement of Co-Operative Bank matter, including appearance at status conference;	900.00
Preparation for trial in Wagner v. Board of Appeals;	250.00

Review and preparation of answer in Brochu v. Board of Appeals; and	325.00
Review of file and conference in Foster v. Planning Board.	250.00
TOTAL SERVICES	\$ 8,600.00

DISBURSEMENTS:

Clerical Overtime	\$ 200.00
Computer Research	129.80
Duplication	431.60
Hand Delivery	35.00
Telecopier	43.00
Telephone	58.62
Title and Title Insurance	24.00

TOTAL DISBURSEMENTS 922.02

AMOUNT DUE \$ 9,522.02

PALMER & DODGE

One Beacon Street Boston, Massachusetts 02108

Acheson H. Callaghan, Esq. (617) 573-0178

Telephone: (617) 573-0100 Facsimile: (617) 227-4420

May 13, 1993

Mr. Don Johnson Town Manager P.O. Box 236 Acton, MA 01720

Dear Don:

I enclose our bill for services in April.

If you have any questions, please let me know.

Very truly yours,

Acheson H. Callaghan CHRIS- PLS. PREPARE FOR PYM

AHC/dcb

Enclosure

cc: Bos

BUDG. DEPT.

ASSESSING DEPT. PLANNING DEPT

PALMER & DODGE

One Beacon Street Boston, Massachusetts 02108-3190 Telephone: (617) 573-0100

FEDERAL I.D. NUMBER 04-2170788

Town of Acton P.O. Box 236 Acton, MA 01720

For professional services through April 30, 1993, as follows:

General Town Matters

Review of articles and motions, advice on various legal issues, and attendance at town meeting;	\$ 2,500.00
Advice regarding inspection of homes by Building Commissioner and request for salary records;	1,150.00
Advice on zoning issues;	75.00
Preparation of documents and negotiations regarding road layout and taking;	460.00
Revision of documents regarding Mill Corner option;	275.00
Litigation and Related Matters	
Services in connection with various tax abatement appeals;	1,250.00
Miscellaneous services on labor and personnel matters;	760.00
Review of decision, preparation of memo, and conference regarding appeal in <u>DiDuca</u> v. <u>Planning Board and Town of Acton</u> (Farm Hill subdivision);	1,650.00
Services in connection with settlement and gift from Co-Operative Bank;	500.00
Services in Wagner v. Board of Appeals;	240.00

EXPENSES INCURRED BUT NOT POSTED PRIOR TO THE BILLING DATE WILL APPEAR ON A SUBSEQUENT STATEMENT.

Preparation of Complaint for and zoning by-law in Meine	r enforcement of building code ke Muffler;	1,050.00
Preparation of Answer in Fo (Hearthstone Plaza); and	oster v. Planning Board	450.00
Miscellaneous other services	in litigation matters.	440.00
	TOTAL SERVICES	\$ 10,800.00

DISBURSEMENTS:

Duplication	\$ 144.80
Express Delivery	26.40
Excess Postage	3.23
Hand Delivery	30.00
Official Fees	10.00
Telecopier	70.00
Telephone	81.29
Title and Title Insurance	20.00

TOTAL DISBURSEMENTS 385,72

AMOUNT DUE \$11,185.72



SCOTT HARSHBARGER ATTORNEY GENERAL

(617) 727-2200

The Commonwealth of Massachusetts Office of the Attorney General One Ashburton Place, Boston, MA 02108-1698

MAY 2 0 1500

Catherine Belbin Town Clerk 472 Main Street Acton, MA 01720 May 18, 1993

(cc: Bos

Dear Ms. Belbin:

Pursuant to the provisions of G.L. c. 43B, § 10, this Office has reviewed the proposed amendment to the Acton Home Rule Charter voted under article 18 of the warrant for the Acton Annual Town Meeting that convened April 12, 1993.

It is the opinion of this Office that the proposed amendment does not conflict with the Constitution and laws of the Commonwealth.

Very truly yours,

SCOTT HARSHBARGER ATTORNEY GENERAL

Anthony E Penski

Assistant Attorney General (617) 727-2200, ext. 2082

AEP:ccs Enclosure

cc: Dept. of Community Affairs

Board of Selectmen

Town Counsel

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9615
Fax (508) 264-9630

Catherine Belbin Town Clerk

> EXCERPT OF THE PROCEEDINGS OF THE ANNUAL TOWN MEEING HELD APRIL 12, 1993 AND ADJOUREND SESSIONS HELD APRIL 26, 1993 AND APRIL 27, 1993

ARTICLE 18* AMEND CHARTER - COMMISSION ON DISABILITIES (Majority Vote Required)

To see if the Town will vote to amend the Town Charter to increase the membership of the Commission on Disabilities from 7 to 9 members, or take any other action relative thereto.

Move that the Town amend the Charter - Commission on Disabilities as set forth in the article.

CONSENT MOTIONS CARRIES UNANIMOUSLY.

A True Copy. Attest:

TÓWN CLERK ACTON, MASS.





TOWN OF ACTON

BUILDING DEPARTMENT

GARRY A. RHODES BUILDING COMMISSIONER

May 12, 1993

Representative Pamela Resor State House Room 33 Boston, MA 02133

Dear Representative Resor:

Enclosed is a copy of the Abstract of the Annual Town Meeting as it pertains to Article 15, "Discontinuance of Train Whistle Soundings". The Town Clerk recorded 1,003 registered voters that night, Tuesday, April 27, 1993.

As per the direction of the Board of Selectmen, I am requesting that you file the proper legislation at your earliest convenience. If I can be of any service, please feel free to contact me at 508/264-9632.

Sincerely,

Garry A. Rhodes
Building Commissioner

GAR/vjs Enclosure

cc: Town Manager

CC! BOS - FYI

ARTICLE 14 TRANSFER OF FUNDS CEMETERY LAND FUND (Majority Vote Required)

To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$33,500.00, or any other sum to be expended by the Town Manager for the design, development, landscaping, roadways, and drainage of new sections of Woodlawn Cemetery and Mount Hope Cemetery, or take any other action relative thereto.

MOTION: Mrs. Fanton moves that the Town raise and appropriate \$33,500.00 to be expended by the Town Manager for the design, development, landscaping, roadways, and drainage of new sectons of Woodlawn Cemetery and Mount Hope Cemetery, and to raise such amount \$33,500.00 be transferred from the Cemetery Land Fund.

MOTION CARRIES BY VOICE VOTE.

ARTICLE 15 DISCONTINUANCE OF TRAIN WHISTLE SOUNDING (Majority Vote Required)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact a special law relative to discontinuing the sounding of train whistles at railroad crossings in the Town of Acton that are otherwise protected by warning devices, or take any other action relative thereto.

MOTION: Mrs. Tavernier moves that the Town authorize the Board of Selectmen to petition the General Court to enact a special law relative to discountinuing the sounding of train whistles at railroad crossings in the Town of Acton that are otherwise protected by warning devices.

MOTION CARRIES BY VOICE VOTE.

ARTICLE 16 ALTERNATIVE REVENUE SOURCES (Majority Vote Required)

To see if the Town will authorize department heads, with the approval of the Town Manager, to enter into contracts to identify and pursue federal government reimbursements and other alternative revenue sources, as provided in Section 70 of Chapter 44, of the General Laws, or take any other action relative thereto.

MOTION: Mr. Hunter moves that no action be taken on Article 16.

MOTION CARRIES BY VOICE VOTE.

Don-F.y.1. It's just "interesting" data



Metropolitan Data Center

A Service of the Metropolitan Area Planning Council • 60 Temple Place, Boston, MA 62111 • 617-1451-2770

CC: BOS-FYI

To: Interested Parties

From: Jay Buhr

Re: Data from the 1990 Census Summary Tape File S5

Summary Tape File S5 from the 1990 Census presents the first piece of 1990 journey-to-work origin-destination data. Although limited to residences and places of work at the town level, this file does provide information on 1990 flows.

In reviewing these data, please remember they reflect residence-workplace pairs, not journey-to-work trips. It is important to keep the following factors in mind while working with it:

- 1) The Census uses the permanent residence and asks for the place of work for the week before the Census, so these data do not reflect journey-to-work trips when they refer to people traveling to work from places other than their permanent residence.
- 2) These data do not cover individuals working in more than one location (each person is asked for only one place of work), seasonal employment (only those people working the week before the Census are covered), or frequency of working (number of days or hours worked are not factored in).
- 3) The place of work was only asked on the Census sample questionnaire, so the data in these files are expanded from a sample of about 16 percent.
- 4) City and town information is available only for the six New England states. In other parts of the United States, county is the lowest available level of geography.

1990 CENSUS STF S5	DATA F	OR TOWN OF ACTON		
	<u> </u>			
PLACES OF RESIDENC	E OF AC			
Acton town	MA	El Paso County	CO	10
Acton town	MA	Enfield town	CT	5
Acton town	MA	North Branford town	CT	9
Acton town	MA	Woodstock town	CT	9
Acton town	MA	District of Columbia	DC	15
Acton town	MA	Martin County	FL	14
Acton town	MA	Acton town	MA	(2380
Acton town	MA	Amesbury town	MA	12
Acton town	MA	Amherst town	MA	10
Acton town	MA	Andover town	MA	9
Acton town	MA	Arlington town	MA	62
Acton town	MA	Ashburnham town	MA	47
Acton town	MA	Ashby town	MA	20
Acton town	MA	Ashland town	MA	4
Acton town	MA	Athol town	MA	7
Acton town	MA	Auburn town	MA	8
Acton town	MA	Avon town	MA	15
Acton town	MA	Ayer town	MA	212
Acton town	MA	Bedford town	MA	89
Acton town	MA	Bellingham town	MA	25
Acton town	MA	Belmont town	MA	44
Acton town	MA	Berlin town	MA	6
Acton town	MA	Billerica town	MA	154
Acton town	MA	Bolton town	MA	51
Acton town		Boston city	MA	157
Acton town	MA	Boxborough town	MA	323
		Boxford town	MA	6
Acton town	MA	Braintree town	MA	5
Acton town	MA	Bridgewater town	MA	7
Acton town	MA	Brockton city	MA	15
Acton town	MA	Brookline town	MA	8
Acton town	MA	Burlington town	MA	17
Acton town	MA	Cambridge city	MA	41
Acton town	MA	Carlisle town	MA	63
Acton town	MA	Carver town	MA	12
Acton town	MA	Chelmsford town	MA	289
Acton town	MA	Clinton town	MA	47
Acton town	MA	Cohasset town	MA	20
Acton town	MA	Concord town	MA	360
Acton town	MA	Dedham town	MA	6
Acton town	MA	Douglas town	MA	6
Acton town	MA	Dracut town	MA	28
Acton town	MA	Dunstable town	MA	15
Acton town	MA	Easton town	MA	20

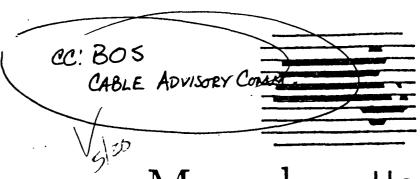
Acton town MA Fitchburg city MA 170 Acton town MA Framingham town MA 161 Acton town MA Acton town MA 29 Acton town MA Grafton town MA 27 Acton town MA Groton town MA 195 Acton town MA Harvard town MA 191 Acton town MA Harvard town MA 18 Acton town MA Harvard town MA 166 Acton town MA Holliston town MA 19 Acton town MA Holden town MA 19 Acton town MA Holliston town MA 19 Acton town MA Holden town MA 19 Acton town MA Hobedele town MA 10 Acton town MA Hudson town MA 108 Acton town MA Lancaster town MA	Acton town	MA	Everett city	MA	9
Acton town MA Framingham town MA 161 Acton town MA Franklin town MA 29 Acton town MA Gardner city MA 27 Acton town MA Grafton town MA 15 Acton town MA Grafton town MA 19 Acton town MA Harvard town MA 18 Acton town MA Harvard town MA 166 Acton town MA Harvard town MA 17 Acton town MA Haverhill city MA 7 Acton town MA Holden town MA 19 Acton town MA Holleston town MA 6 Acton town MA Hudson town MA 10 Acton town MA Lancaster town MA 34 Acton town MA Leominster city MA 372 Acton town MA Lexington town MA					
Acton town MA Franklin town MA 29 Acton town MA Gardren city MA 27 Acton town MA Grafton town MA 15 Acton town MA Grafton town MA 191 Acton town MA Harvard town MA 191 Acton town MA Harvard town MA 166 Acton town MA Harvard town MA 166 Acton town MA Holden town MA 19 Acton town MA Holleto town MA 19 Acton town MA Holleto town MA 22 Acton town MA Hubsardston town MA 8 Acton town MA Hubsardston town MA 108 Acton town MA Lancaster town MA 10 Acton town MA Lawrence city MA 16 Acton town MA Lexington town MA					
Acton town MA Gardner city MA 27 Acton town MA Grafton town MA 15 Acton town MA Groton town MA 191 Acton town MA Hanover town MA 8 Acton town MA Harvard town MA 166 Acton town MA Harvard town MA 17 Acton town MA Holden town MA 19 Acton town MA Hollsiston town MA 22 Acton town MA Hollsiston town MA 6 Acton town MA Hollsiston town MA 6 Acton town MA Hollsbardston town MA 6 Acton town MA Hubbardston town MA 10 Acton town MA Lancaster town MA 10 Acton town MA Lawrence city MA 372 Acton town MA Leominster city MA <td></td> <td></td> <td></td> <td></td> <td></td>					
Acton town MA Grafton town MA 191 Acton town MA Groton town MA 191 Acton town MA Hanover town MA 8 Acton town MA Harvard town MA 166 Acton town MA Harvard town MA 17 Acton town MA Harvard town MA 190 Acton town MA Harvard town MA 190 Acton town MA Holden town MA 190 Acton town MA Holliston town MA 6 Acton town MA Holliston town MA 6 Acton town MA Holliston town MA 190 Acton town MA Holliston town MA 190 Acton town MA Holliston town MA 108 Acton town MA Hubbardston town MA 108 Acton town MA Hubbardston town MA 108 Acton town MA Lawarence city MA 160 Acton town MA Leominster city MA 160 Acton town MA Leominster city MA 161 Acton town MA Littleton town MA 183 Acton town MA Littleton town MA 183 Acton town MA Littleton town MA 183 Acton town MA Lowell city MA 260 Acton town MA Lowell city MA 260 Acton town MA Malden city MA 152 Acton town MA Malden city MA 154 Acton town MA Marlborough city MA 154 Acton town MA Marlborough city MA 153 Acton town MA Marlborough city MA 154 Acton town MA Marlborough city MA 154 Acton town MA Medfield town MA 152 Acton town MA Medford city MA 153 Acton town MA Medford city MA 154 Acton town MA Medford city MA 154 Acton town MA Medford city MA 154 Acton town MA Medford city MA 155 Acton town MA Medford city MA 156 Acton town MA Medford city MA 157 Acton town MA Medford city MA 157 Acton town MA Medford city MA 157 Acton town MA Medford city MA 150 Acton town MA North Acton town MA 156 Acton town MA North Acton town MA 156 Acton town MA North Andover town MA 150 Acton town MA North Andover town MA 150 Acton town MA North Andover town MA 150 Acton town MA North Acton town MA 150 Acton town MA North Acton town MA 15					
Acton town MA Groton town MA 191 Acton town MA Hanover town MA 8 Acton town MA Harvard town MA 166 Acton town MA Haverhill city MA 7 Acton town MA Holden town MA 19 Acton town MA Holleston town MA 22 Acton town MA Holleston town MA 6 Acton town MA Hobadele town MA 6 Acton town MA Hubbardston town MA 8 Acton town MA Hubbardston town MA 8 Acton town MA Hubbardston town MA 10 Acton town MA Hubbardston town MA 10 Acton town MA Lacton town MA 10 Acton town MA Lexington town MA 48 Acton town MA Littleton town MA					
Acton town MA Hanover town MA 8 Acton town MA Harvard town MA 166 Acton town MA Haverhill city MA 7 Acton town MA Holden town MA 19 Acton town MA Holden town MA 22 Acton town MA Holbardston town MA 8 Acton town MA Hudson town MA 108 Acton town MA Hudson town MA 10 Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 36 Acton town MA Lexington town MA 372 Acton town MA Lexington town MA 43 Acton town MA Lexington town MA 433 Acton town MA Littleton town MA 433 Acton town MA Livencity MA					
Acton town MA Harvard town MA 166 Acton town MA Haverhill city MA 7 Acton town MA Holden town MA 19 Acton town MA Holden town MA 22 Acton town MA Holliston town MA 22 Acton town MA Holpedale town MA 6 Acton town MA Hubbardston town MA 8 Acton town MA Hubbardston town MA 108 Acton town MA Hubbardston town MA 100 Acton town MA Lowell city MA 16 Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 16 Acton town MA Lewington town MA 53 Acton town MA Lewington town MA 53 Acton town MA Lincoln town MA 48 Acton town MA Lincoln town MA 48 Acton town MA Lincoln town MA 260 Acton town MA Lowell city MA 260 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 11 Acton town MA Malden city MA 37 Acton town MA Marlborough city MA 66 Acton town MA Margherd town MA 460 Acton town MA Margherd town MA 55 Acton town MA Margherd town MA 56 Acton town MA Margherd town MA 56 Acton town MA Margherd town MA 56 Acton town MA Medfield town MA 56 Acton town MA Medford city MA 13 Acton town MA Medford city MA 15 Acton town MA Medford city MA 16 Acton town MA North Artleborough to MA 17 Acton town MA North Artleborough to MA 10 Acton town MA North Acton town MA 199 Acton town MA North Acton town MA 199					
Acton town MA Haverhill city MA 7 Acton town MA Holden town MA 19 Acton town MA Holliston town MA 22 Acton town MA Hopedale town MA 8 Acton town MA Hubbardston town MA 108 Acton town MA Lucaster town MA 108 Acton town MA Lancaster town MA 34 Acton town MA Leominster city MA 372 Acton town MA Leominster city MA 372 Acton town MA Leominster city MA 372 Acton town MA Leixington town MA 48 Acton town MA Lixington town </td <td></td> <td></td> <td></td> <td></td> <td></td>					
Acton town MA Holden town MA 22 Acton town MA Holliston town MA 22 Acton town MA Holpedale town MA 6 Acton town MA Hubbardston town MA 8 Acton town MA Hubbardston town MA 108 Acton town MA Hubbardston town MA 108 Acton town MA Luxer town MA 10 Acton town MA Lancaster town MA 16 Acton town MA Lawrence city MA 16 Acton town MA Lewington town MA 13 Acton town MA Lewington town MA 15 Acton town MA Lewington town MA 15 Acton town MA Lincoln town MA 13 Acton town MA Lincoln town MA 13 Acton town MA Lincoln town MA 13 Acton town MA Lowell city MA 260 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 11 Acton town MA Marsfield town MA 17 Acton town MA Marsfield town MA 17 Acton town MA Marglorough city MA 16 Acton town MA Marglorough city MA 16 Acton town MA Medfield town MA 13 Acton town MA Medford city MA 15 Acton town MA Medford city MA 16 Acton town MA Medford city MA 17 Acton town MA Medford city MA 17 Acton town MA Medford city MA 19 Acton town MA North Acton town MA 12 Acton town MA New Bedford city MA 15 Acton town MA New Salem town MA 16 Acton town MA North Actor town MA 17 Acton town MA North Actor town MA 19 Acton town MA North Reading town MA 10 Acton town MA North Reading town MA 10 Acton town MA North Reading town MA 199 Acton town MA Northorough town MA 199					7
Acton town MA Holliston town MA 22 Acton town MA Hopedale town MA 6 Acton town MA Hubbardston town MA 108 Acton town MA Hubbardston town MA 108 Acton town MA Hudson town MA 108 Acton town MA Kingston town MA 10 Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 372 Acton town MA Leominster city MA 372 Acton town MA Lexington town MA 48 Acton town MA Lincoln town MA 439 Acton town MA Littleton town MA 260 Acton town MA Lowell city MA 260 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 11 Acton town MA Mansfield town MA 14 Acton town MA Marlborough city MA 66 Acton town MA Marlborough city MA 66 Acton town MA Medfield town MA 66 Acton town MA Medford city MA 13 Acton town MA Medford city MA 15 Acton town MA Medford city MA 13 Acton town MA Medford city MA 15 Acton town MA Medford town MA 5 Acton town MA Medford town MA 15 Acton town MA Needham town MA 15 Acton town MA New Bedford city MA 15 Acton town MA New Bedford city MA 16 Acton town MA New Bedford city MA 16 Acton town MA North Actleborough to MA 17 Acton town MA North Actleborough to MA 10 Acton town MA North Reading town MA 199					19
Acton town MA Hubbardston town MA 8 Acton town MA Hubbardston town MA 108 Acton town MA Hudson town MA 108 Acton town MA Kingston town MA 10 Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 16 Acton town MA Lewington town MA 53 Acton town MA Lewington town MA 53 Acton town MA Lexington town MA 653 Acton town MA Lincoln town MA 48 Acton town MA Lincoln town MA 260 Acton town MA Lunenburg town MA 52 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 11 Acton town MA Marsfield town MA 7 Acton town MA Margled town MA 66 Acton town MA Maynard town MA 460 Acton town MA Medford city MA 13 Acton town MA Medford city MA 15 Acton town MA Needham town MA 17 Acton town MA Needham town MA 17 Acton town MA New Bedford city MA 15 Acton town MA North Attleborough to MA 7 Acton town MA North Attleborough town MA 10 Acton town MA North Attleborough town MA 10 Acton town MA North Attleborough town MA 10 Acton town MA North Coton MA 199					
Acton town MA Hubbardston town MA 108 Acton town MA Hudson town MA 108 Acton town MA Kingston town MA 108 Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 16 Acton town MA Leominster city MA 372 Acton town MA Leincoln town MA 439 Acton town MA Lincoln town MA 439 Acton town MA Lowell city MA 260 Acton town MA Lunenburg town MA 52 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Marsfield town MA 41 Acton town MA Marsfield town MA 66 Acton town MA Maynard town MA 66 Acton town MA Medford city MA 13 Acton town MA Medford city MA 15 Acton town MA Medford town MA 12 Acton town MA Methuen town MA 12 Acton town MA Millbury town MA 12 Acton town MA Neick town MA 27 Acton town MA Neick town MA 27 Acton town MA New Salem town MA 27 Acton town MA New Salem town MA 16 Acton town MA North Andover town MA 10					
Acton town MA Hudson town MA 108 Acton town MA Kingston town MA 10 Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 16 Acton town MA Lexington town MA 372 Acton town MA Lexington town MA 439 Acton town MA Littleton town MA 48 Acton town MA Littleton town MA 439 Acton town MA Littleton town MA 439 Acton town MA Lovell city MA 439 Acton town MA Lunenburg town MA 439 Acton town MA Lunenburg town MA 439 Acton town MA Lunenburg town MA 431 Acton town MA Malden city MA 41 Acton town MA Malfebrough city <	<u> </u>				
Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 16 Acton town MA Lewington town MA 372 Acton town MA Lewington town MA 53 Acton town MA Lexington town MA 53 Acton town MA Lincoln town MA 48 Acton town MA Littleton town MA 239 Acton town MA Lowell city MA 260 Acton town MA Lunenburg town MA 51 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 11 Acton town MA Marsfield town MA 41 Acton town MA Marsfield town MA 66 Acton town MA Marsfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medford city MA 13 Acton town MA Medford city MA 13 Acton town MA Medford city MA 55 Acton town MA Medford city MA 13 Acton town MA Medford city MA 13 Acton town MA Medford city MA 15 Acton town MA Medford city MA 16 Acton town MA Methuen town MA 17 Acton town MA Methuen town MA 17 Acton town MA Millbury town MA 17 Acton town MA Needham town MA 18 Acton town MA Needham town MA 19 Acton town MA New Salem town MA 10 Acton town MA North Andover town MA 10 Acton town MA North Andover town MA 10 Acton town MA North Andover town MA 10 Acton town MA North Beading town MA 10 Acton town MA Northorough town MA 10 Acton town MA Norwood town MA 199				 	
Acton town MA Lancaster town MA 34 Acton town MA Lawrence city MA 16 Acton town MA Leominster city MA 372 Acton town MA Leominster city MA 553 Acton town MA Lincoln town MA 48 Acton town MA Littleton town MA 260 Acton town MA Lunenburg town MA 51 Acton town MA Lunenburg town MA 52 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Mansfield town MA 7 Acton town MA Marlborough city MA 66 Acton town MA Maynard town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medford city MA 13 Acton town MA Medway town MA 55 Acton town MA Methuen town MA 37 Acton town MA Millord town MA 55 Acton town MA Millord town MA 55 Acton town MA Methuen town MA 55 Acton town MA Methuen town MA 55 Acton town MA Methuen town MA 55 Acton town MA Millord town MA 55 Acton town MA Methuen town MA 55 Acton town MA Natick town MA 55 Acton town MA Needham town MA 55 Acton town MA New Salem town MA 56 Acton town MA New Bedford city MA 88 Acton town MA New Salem town MA 70 Acton town MA North Andover town MA 88 Acton town MA North Andover town MA 80 Acton town MA North Beading town MA 90 Acton town MA Northorough town MA 90 Acton town MA Norwood town MA 90 Acton town MA Norwood town MA 90 Acton town MA Pepperell town MA 999					
Acton town MA Lawrence city MA 372 Acton town MA Leominster city MA 372 Acton town MA Lexington town MA 53 Acton town MA Lincoln town MA 48 Acton town MA Lincoln town MA 239 Acton town MA Littleton town MA 260 Acton town MA Lowell city MA 260 Acton town MA Lunenburg town MA 11 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Marsfield town MA 7 Acton town MA Marsfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medford city MA 13 Acton town MA Medford city MA 13 Acton town MA Medford city MA 55 Acton town MA Millbury town MA 52 Acton town MA Millbury town MA 52 Acton town MA Natick town MA 37 Acton town MA Natick town MA 37 Acton town MA Needham town MA 31 Acton town MA Needham town MA 31 Acton town MA New Salem town MA 8 Acton town MA New Salem town MA 59 Acton town MA Newton city MA 59 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 7 Acton town MA North Andover town MA 7 Acton town MA North Andover town MA 7 Acton town MA North Andover town MA 30 Acton town MA North Overdown MA 30 Acton town MA Pepperell town MA 30	<u> </u>				
Acton town MA Leominster city MA 5372 Acton town MA Lexington town MA 53 Acton town MA Lincoln town MA 48 Acton town MA Littleton town MA 260 Acton town MA Lowell city MA 260 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Mariborough city MA 66 Acton town MA Mariborough city MA 66 Acton town MA Medfield town MA 60 Acton town MA Medford city MA 13 Acton town MA Medford city MA 15 Acton town MA Medford city MA 66 Acton town MA Medford city MA 16 Acton town MA Medford city MA 17 Acton town MA Medford city MA 18 Acton town MA Medford city MA 19 Acton town MA Medford city MA 19 Acton town MA Medford city MA 15 Acton town MA Medford city MA 15 Acton town MA Medford town MA 12 Acton town MA Melford town MA 12 Acton town MA Melford town MA 12 Acton town MA Millbury town MA 12 Acton town MA Needham town MA 27 Acton town MA New Bedford city MA 13 Acton town MA New Bedford city MA 13 Acton town MA New Bedford city MA 15 Acton town MA New Bedford city MA 16 Acton town MA New Bedford city MA 17 Acton town MA New Bedford city MA 18 Acton town MA New Bedford city MA 19 Acton town MA North Andover town MA 10 Acton town MA Northorough town MA 10			- 		
Acton town MA Lexington town MA 48 Acton town MA Lincoln town MA 48 Acton town MA Littleton town MA 439 Acton town MA Lowell city MA 260 Acton town MA Lunenburg town MA 111 Acton town MA Lynn city MA 111 Acton town MA Malden city MA 41 Acton town MA Mansfield town MA 7 Acton town MA Mariborough city MA 66 Acton town MA Maynard town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 55 Acton town MA Medford city MA 13 Acton town MA Medway town MA 55 Acton town MA Methuen town MA 55 Acton town MA Milford town MA 12 Acton town MA Milford town MA 12 Acton town MA Milford town MA 12 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Bedford city MA 59 Acton town MA New Bedford city MA 31 Acton town MA New Bedford city MA 32 Acton town MA New Bedford city MA 32 Acton town MA North Andover town MA 31 Acton town MA North Andover town MA 32 Acton town MA North Andover town MA 33 Acton town MA North Andover town MA 34 Acton town MA North Andover town MA 36 Acton town MA North Acton town MA 30					
Acton town MA Lincoln town MA 48 Acton town MA Littleton town MA 439 Acton town MA Lowell city MA 260 Acton town MA Lunenburg town MA 52 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Mansfield town MA 66 Acton town MA Marlborough city MA 66 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medford city MA 13 Acton town MA Medford town MA 5 Acton town MA Medford town MA 5 Acton town MA Methuen town MA 12 Acton town MA Millbury town MA 12 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 32 Acton town MA New Bedford city MA 30 Acton town MA North Andover town MA 30 Acton town MA North Andover town MA 30 Acton town MA North Beding town MA 30 Acton town MA North Cown MA 30					
Acton town MA Littleton town MA 439 Acton town MA Lowell city MA 260 Acton town MA Lunenburg town MA 52 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Marsfield town MA 66 Acton town MA Marsfield town MA 66 Acton town MA Marynard town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medford city MA 13 Acton town MA Medway town MA 5 Acton town MA Methuen town MA 37 Acton town MA Milford town MA 12 Acton town MA Milford town MA 12 Acton town MA Natick town MA 27 Acton town MA Natick town MA 31 Acton town MA Needham town MA 31 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Salem town MA 31 Acton town MA New Salem town MA 32 Acton town MA New Salem town MA 33 Acton town MA North Andover town MA 36 Acton town MA North Andover town MA 36 Acton town MA North Andover town MA 30 Acton town MA North Reading town MA 30 Acton town MA North Reading town MA 30 Acton town MA North Maliforough town MA 30 Acton town MA North Maliforough town MA 30 Acton town MA North Reading town MA 30 Acton town MA North Maliforough town MA 30 Acton town MA Northorough town MA 30 Acton town MA Pepperell town MA 309					
Acton town MA Lowell city MA 260 Acton town MA Lunenburg town MA 52 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Mansfield town MA 66 Acton town MA Marlborough city MA 66 Acton town MA Marlborough city MA 460 Acton town MA Marlborough city MA 460 Acton town MA Marlborough city MA 460 Acton town MA Medfield town MA 460 Acton town MA Medford city MA 13 Acton town MA Medway town MA 5 Acton town MA Medway town MA 12 Acton town MA Medway town MA 12 Acton town MA Melway town MA					
Acton town MA Lunenburg town MA 52 Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Mansfield town MA 66 Acton town MA Marlborough city MA 66 Acton town MA Maynard town MA 66 Acton town MA Medfield town MA 66 Acton town MA Medford city MA 13 Acton town MA Medford city MA 13 Acton town MA Medway town MA 5 Acton town MA Methuen town MA 37 Acton town MA Millbury town MA 12 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Salem town MA 2 Acton town MA New Salem town MA 59 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 7 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 30 Acton town MA North Reading town MA 30 Acton town MA North Beading town MA 30 Acton town MA Northorough town MA 30					
Acton town MA Lynn city MA 11 Acton town MA Malden city MA 41 Acton town MA Mansfield town MA 7 Acton town MA Marlborough city MA 66 Acton town MA Maynard town MA 460 Acton town MA Medfield town MA 66 Acton town MA Medfield town MA 13 Acton town MA Medford city MA 13 Acton town MA Medway town MA 5 Acton town MA Methuen town MA 37 Acton town MA Millbury town MA 12 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Bedford city MA 31 Acton town MA New Salem town MA 2 Acton town MA New Salem town MA 2 Acton town MA North Andover town MA 5 Acton town MA North Andover town MA 7 Acton town MA North Attleborough to MA 7 Acton town MA North Attleborough town MA 30 Acton town MA North Beading town MA 30 Acton town MA North Orthorough town MA 30 Acton town MA Northorough town MA 30 Acton town MA Pepperell town MA 199					
Acton town MA Malden city MA 41 Acton town MA Mansfield town MA 7 Acton town MA Marlborough city MA 66 Acton town MA Maynard town MA 460 Acton town MA Medfield town MA 6 Acton town MA Medfield town MA 13 Acton town MA Medway town MA 5 Acton town MA Medway town MA 12 Acton town MA Milford town MA 12 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 7 Acton town MA North Andover town MA 10 Acton town MA North Reading town MA 30 Acton town MA Northorough town MA 30 Acton town MA Pepperell town MA 199					
Acton town MA Mansfield town MA 66 Acton town MA Marlborough city MA 66 Acton town MA Maynard town MA 460 Acton town MA Medfield town MA 6 Acton town MA Medford city MA 13 Acton town MA Medway town MA 5 Acton town MA Methuen town MA 37 Acton town MA Millord town MA 12 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA New Solem town MA 59 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 7 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 30 Acton town MA Norwood town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA Marlborough city MA 460 Acton town MA Maynard town MA 460 Acton town MA Medfield town MA 6 Acton town MA Medfield town MA 13 Acton town MA Medway town MA 5 Acton town MA Methuen town MA 37 Acton town MA Milford town MA 12 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 7 Acton town MA North Reading town MA 10 Acton town MA North Oxford town MA 30 Acton town MA Norwood town MA 30 Acton town MA Pepperell town MA 199					7
Acton town MA Maynard town MA 460 Acton town MA Medfield town MA 6 Acton town MA Medford city MA 13 Acton town MA Medway town MA 5 Acton town MA Methuen town MA 37 Acton town MA Millford town MA 12 Acton town MA Millbury town MA 5 Acton town MA Millbury town MA 27 Acton town MA Natick town MA 31 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 10 Acton town MA Norwood town MA 100 Acton town MA Norwood town MA 100 Acton town MA Pepperell town MA 199	}				66
Acton town MA Medfield town MA 13 Acton town MA Medway town MA 5 Acton town MA Medway town MA 37 Acton town MA Methuen town MA 37 Acton town MA Milford town MA 12 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 10	ļ				
Acton town MA Medford city MA 55 Acton town MA Medway town MA 37 Acton town MA Methuen town MA 37 Acton town MA Milford town MA 12 Acton town MA Millbury town MA 55 Acton town MA Millbury town MA 55 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Andover town MA 7 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Norwood town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA Medway town MA 37 Acton town MA Milford town MA 12 Acton town MA Millbury town MA 5 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 30 Acton town MA Norwood town MA 30 Acton town MA Norwood town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA Methuen town MA 37 Acton town MA Milford town MA 12 Acton town MA Milfbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 10 Acton town MA Norwood town MA 10 Acton town MA Norwood town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA Milford town MA 5 Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA New Salem town MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 30 Acton town MA Norwood town MA 6 Acton town MA Norwood town MA 10 Acton town MA Pepperell town MA 199		·			
Acton town MA Millbury town MA 5 Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA New Salem town MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Norwood town MA 6 Acton town MA Norwood town MA 10 Acton town MA Pepperell town MA 199	·			 	
Acton town MA Natick town MA 27 Acton town MA Needham town MA 31 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199	······································				
Acton town MA Needham town MA 8 Acton town MA New Bedford city MA 8 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199	······································				
Acton town MA New Bedford city MA 2 Acton town MA New Salem town MA 2 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA New Salem town MA 59 Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA Newton city MA 59 Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA North Andover town MA 8 Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA North Attleborough to MA 7 Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA North Reading town MA 10 Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199					7
Acton town MA Northborough town MA 30 Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199	Acton town		· · · · · · · · · · · · · · · · · · ·		10
Acton town MA Norwood town MA 6 Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199			- 		
Acton town MA Oxford town MA 10 Acton town MA Pepperell town MA 199					
Acton town MA Pepperell town MA 199					
_ 	·				
	Acton town				

Acton town	MA	Raynham town	MA	18
Acton town	MA	Reading town	MA	6
Acton town	MA	Rockland town	MA	15
Acton town	MA	Rockport town	MA	6
Acton town	MA	Royalston town	MA	2
Acton town	MA	Salem city	MA	26
Acton town	MA	Sharon town	MA	9
Acton town	MA	Shirley town	MA	82
Acton town	MA	Shrewsbury town	MA	9
Acton town	MA	Somerville city	MA	67
Acton town	MA	Southbridge town	MA	19
Acton town	MA	Spencer town	MA	17
Acton town	MA	Springfield city	MA	4
Acton town	MA	Sterling town	MA	9
Acton town	MA	Stoughton town	MA	14
Acton town	MA	Stow town	MA	178
Acton town	MA	Sudbury town	MA	108
Acton town	MA	Templeton town	MA	6
Acton town	MA	Tewksbury town	MA	22
Acton town	MA	Townsend town	MA	70
Acton town	MA	Tyngsborough town	MA	33
Acton town	MA	Wakefield town	MA	12
Acton town	MA	Waltham city	MA	127
Acton town	MA	Watertown town	MA	33
Acton town	MA	Wayland town	MA	24
Acton town	MA	Wellesley town	MA	27
Acton town	MA	West Boylston town	MA	6
Acton town	MA	West Bridgewater tow	<u> </u>	6
Acton town	MA	West Newbury town	MA	6
Acton town	MA	West Springfield town		10
Acton town	MA	Westborough town	MA	23
Acton town	MA	Westford town	MA	379
Acton town	MA	Westminster town	MA	43
Acton town	MA	Weston town	MA ·	8
Acton town	MA	Westwood town	MA	9
Acton town	MA	Wilmington town	MA	6
Acton town	MA	Winchendon town	MA	34
Acton town	MA	Woburn city	MA	55
Acton town	MA	Worcester city	MA	41
Acton town	MA	Auburn town	NH	, 4
Acton town	MA	Brookline town	NH	4
	MA		NH	2
Acton town	MA	Chaster town	NH	14
Acton town		Chester town	NH NH	7
Acton town	MA	Concord city	NH NH	
Acton town	MA	Derry town		17
Acton town	MA	· · · · · · · · · · · · · · · · · · ·	NH	2
Acton town	MA	Greenville town	NH	9
Acton town	. MA	Hampstead town	NH	8

Acton town	MA	Hillsborough town	NH	9
Acton town	MA	Hollis town	NH	19
Acton town	MA	Hudson town	NH	7
Acton town	MA	Kingston town	NH	6
Acton town	MA	Manchester city	NH	38
Acton town	MA	Mason town	NH	5
Acton town	MA	Merrimack town	NH	39
Acton town	MA	Milford town	NH	8
Acton town	MA	Nashua city	NH	137
Acton town	MA	New Ipswich town	NH	16
Acton town	MA	Pelham town	NH	10
Acton town	MA	Salem town	NH	11
Acton town	MA	Troy town	NH	3
Acton town	MA	Wakefield town	NH	10
Acton town	MA	Dutchess County	NY	8
Acton town	MA	Nassau County	NY	7
Acton town	MA	Bristol town	RI	9

-4-

4 . .



Massachusetts Cable Television Commission

CABLE BULLETIN

Number 93-2

May 10, 1993

As promised, we are contacting you to inform you that the Federal Communications Commission (the "FCC") has issued its Final Report and Order in connection with the rate regulation portion of the Cable Television Consumer Protection and Competition Act of 1992 (the "Act").

For your reference, we have attached an Executive Summary which was published by the FCC. The entire Report and Order is approximately 500 pages long and has been criticized by many for its substantive and procedural complexity. We have a copy of the complete Report and Order in our office which you may review and photocopy at \$.20/page. If you wish to receive a copy of the entire document, you can contact the Downtown Copy Center in Washington, D.C. at (202) 452-1422. The copy center charges approximately \$80 to copy the document, a handling fee of \$35 plus postage.

The FCC has clarified that the term "'franchising authority' means, for rate regulation purposes, the authority empowered by state law to regulate rates. In Massachusetts' case, this entity is MCATC [the Massachusetts Community Antenna Television Commission] . . . "

During the next few weeks we will be reviewing and digesting the FCC's Report and Order and will be formulating the process for rate regulation in the Commonwealth. We will rely heavily on your input to ensure that our regulations and procedures incorporate local considerations.

We anticipate that we will be contacting you periodically over the course of the next several months in order to keep you apprised of the details of the rate regulation process. In the meantime, as always, if you have any questions, comments or suggestions, please do not hesitate to call the Commission at (617) 727-6925.

APPENDIX A

Cable Rate Regulation Executive Summary

I. Introduction

- Rulemaking amends the Commission's rules to implement Sections 623 (subscriber rate regulation), 612 (commercial leased access), and 622(c) (subscriber bill itemization), of the Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act of 1992 or "1992 Cable Act").¹ The Report and Order reflects, in large part, the Commission's efforts to ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. The Further Notice examines whether the Commission should refine its initial analysis by excluding the rates of cable systems with less than 30 percent penetration from its analysis of systems facing effective competition, even though such systems are defined as systems that face effective competition under the 1992 Cable Act.
- The Cable Act of 1992 generally provides that where competition is present, cable television rates shall not be subject to regulation by government but shall be regulated by the market. The Act contains a clear and explicit preference for competitive resolution of issues where that is feasible. However, where competition is absent, cable rates are to be regulated to protect the interests of subscribers. This regulation is to be undertaken jointly by the Federal Communications Commission and by state and local governments. Local (or state) governments are primarily responsible for the regulation of rates for programming service and equipment on the basic service tier, and this Commission will entertain complaints against the rates for programming services and equipment for the cable programming services tier or tiers. (Services offered on a per-channel or per-program basis are not subject to rate regulation).
- 3. The primary results of this proceeding are: 1) development of a process for identifying those situations where effective competition exists (and rate regulation is thus

Cable Television Consumer Protection and Competition Act, Pub. L. No. 102-385, §§ 3, 9, 14, 106 Stat. 1460 (1992) ("Cable Act of 1992"). The Cable Act of 1992 became law on October 5, 1992. This proceeding was commenced through the issuance of our Notice of Proposed Rule Making in Docket 92-266, 8 FCC Rcd 510 (1992) ("Notice"). The Commission is required to prescribe regulations to carry out its obligations under the rate regulation provisions of the Act within 180 days of the law's enactment.

precluded), 2) establishment of the boundaries between local and state, and federal responsibilities, 3) development of procedural and substantive rules to govern the regulation of basic service tier, cable programming service, and leased channel rates, and 4) creation of a process of gathering information to facilitate the regulation that is being undertaken and periodically review its effectiveness.

- In the Report and Order, the Commission seeks a comprehensive approach to cable rate regulation that achieves a reasonable balancing of statutory requirements and that will promote the broad policy objectives reflected in the statute. As required by the 1992 Cable Act, it provides for regulation of cable rates by local franchising authorities and the Commission pursuant jurisdictional and procedural requirements that have been designed to reduce burdens on cable operators, local authorities, the Commission, and consumers. In addition, the requirements that will govern permitted rate levels for cable service and reflect a balancing of the interests of consumers and of cable operators. In this regard, the initial rate regulations should produce substantial savings to consumers on an aggregate industry basis. These savings will result from rate reductions required from a broad segment of regulated cable operators that service most of the nation's cable subscribers. The required rate reductions should not hinder the ability of the cable industry to continue to provide quality services to consumers. On a going forward basis, price caps for regulated cable systems will reduce administrative burdens and permit the continued growth of services while effectively governing future rate levels.
- 5. The regulations adopted today may well change over time. In accordance with the statute, the Commission will review and monitor the effect of our initial rate regulations on the cable industry and consumers, and refine and improve our rules as necessary. In addition, it will issue separately a Second Further Notice to obtain a better record for adoption of cost-of-service showings by cable operators seeking to raise rates above capped levels. This step is necessary to assure that the regulations governing such showings will correctly balance the interests of consumers in paying a fair rate and of cable operators in earning a reasonable profit.

II. Report and Order

A. Rate Regulation of Cable Service

1. Rollback of Cable Service Rates

6. The <u>Report and Order</u> finds that Congress was concerned that rates of systems not subject to effective competition reflect undue market power and are unreasonable to the extent they exceed competitive rate levels. This conclusion is

based upon the findings and goals of the Cable Act of 1992, the overall scheme of regulation under it, and the fact that the Commission must consider the rates of systems subject to effective competition in establishing rate regulations. Additionally, the Commission conducted a survey of cable system rates as of September 30, 1992, which revealed that, on average, rates of systems not subject to effective competition are approximately 10 percent higher than rates of comparable systems subject to effective competition, as that term is defined in the statute. Thus, the Commission's survey supports the findings of Congress that current rates for cable systems not subject to effective competition reflect pervasive market power.

The Commission concludes, therefore, that its initial effort to regulate rates for cable service should provide for reductions from current rates of cable systems exhibiting undue market power. The Commission's initial implementation of rate regulation of cable service will generally lead to significant reductions from current rate levels for most cable systems. approach will enable local franchise authorities to require rates for the basic tier, and the Commission to require rates for cable programming services on the basis of individual complaints, to fall approximately 10 percent, unless the operator is already charging rates that are at the "competitive" benchmark level or it can justify a higher rate from September 30, 1992 levels, based on The Commission estimates that this rollback will affect approximately three-quarters of cable systems, with a total consumer benefit of approximately \$1 billion. Rates of all regulated systems will then be subject to a price cap that will govern the extent to which rates can be raised in the future without a cost-of-service showing. We will also examine systems with rates substantially above the benchmark and will seek to refine the benchmark through further industry surveys.

Standards and Procedures for Identifying Cable Systems Not Subject to Effective Competition

a. Application of Effective Competition Tests

8. Cable service and equipment rates may only be regulated under the Cable Consumer Protection and Competition Act of 1992 ("1992 Act") if the cable system is not subject to effective competition. Under the statute, "effective competition" exists if: (a) fewer than 30 percent of households in the franchise area subscribe to the cable service of a cable system; (b) (i) the franchise area is served by at least two unaffiliated multichannel video programming distributors ("multichannel distributors"), each of which offers comparable programming to at least 50 percent of households in the franchise area, and (ii) the number of households subscribing to programming services offered by multichannel distributors other than the largest multichannel distributor exceeds 15 percent of households in the franchise area; or (c) the

franchise authority itself is a multichannel distributor and offers video programming to at least 50 percent of the households in the franchise area.

(1) Multichannel Video Programming Distributor

9. When applying the above definition, multichannel distributors will include cable systems, MMDS operators, SMATV systems, DBS operators, TVRO distributors and video dialtone service providers. We here determine that programmers using leased access channels on cable systems will not be considered multichannel distributors.

(2) Availability of Competing Services

10. A multichannel distributor's service is "offered" in a franchise area if the service is both technically and actually available, with no regulatory, technical or other impediments to households taking service. Service will be deemed to be "technically available" when the multichannel distributor is physically able to deliver the service to a household wishing to subscribe, with only minimal additional investment by the distributor. A service will be considered "actually available" if subscribers in the franchise area are reasonably aware through marketing efforts that the service is available.

(3) Definition of Household

11. We define the term "household" as each separately billed or billable customer, except that we treat individual residences of multiple dwelling units as separate households.

(4) Measurement of Subscribership

12. For purposes of applying the 30 percent threshold in the first effective competition test, the measurement of subscribership will be based on that of the particular system in question, and not an aggregation of all cable systems or competitors in the franchise area. For purposes of applying the 15 percent threshold in the second effective competition test, subscribership of alternative multichannel distributors will be calculated on a cumulative basis; however, only those multichannel distributors that offer programming to at least 50 percent of the households in the franchise area will be included in the 15 percent cumulative measurement.

(5) Program Comparability

13. A multichannel distributor will be deemed to offer "comparable programming" to that provided by a cable system if it offers at least twelve channels of video programming, including at least one nonbroadcast channel.

b. Finding of Effective Competition:

- 14. For purposes of implementing rate regulation by local franchising authorities, we presume that cable operators are not subject to effective competition. Franchising authorities may rely on this presumption when filing a certification with the Commission to regulate basic rates. The cable operator will then have the burden of rebutting this presumption with evidence demonstrating that effective competition does in fact exist.
- 15. To ensure that cable operators have access to the data they need to mount a successful challenge to the presumption against effective competition, alternative multichannel distributors will be required to respond, within 15 days, to requests from cable operators for relevant information. Responses by the alternative distributors may be limited to the numerical totals needed to calculate the distributor's reach and penetration in the franchise area.

3. Regulation of the Basic Service Tier

a. Assertion of Jurisdiction over Basic Service and Equipment Rates

(1) Jurisdiction Over Basic Rate Regulation

- 16. The 1992 Cable Act requires local authorities wishing to regulate basic service and equipment rates to certify in writing to the Commission that (1) its rate regulations will be consistent with the rate regulations we prescribe; (2) it has the legal authority to adopt, and the personnel to administer, rate regulations; and (3) its procedural rules provide an opportunity for consideration of the views of interested parties. Such certification filed with the Commission by a franchising authority will become effective 30 days after filing unless the Commission finds, after notice and a reasonable opportunity to comment, that the franchising authority has not met one of the three criteria above. If the Commission disapproves the certification, the franchising authority will be notified of any revisions or modifications necessary to gain approval. If the Commission disapproves or revokes a certification, we will exercise the franchise authority's regulatory jurisdiction until the authority becomes qualified by filing a new certification that meets the requirements set forth above. Such new certifications become effective upon approval by the Commission, which approval (or disapproval) will be issued within 90 days of filing.
 - (a) Division of Jurisdiction Between FCC and Local Governments

17. Under the statute, local franchising authorities and the Commission have shared jurisdiction over the regulation of basic service and equipment rates. However, the Commission will not exercise jurisdiction unless either (a) a local franchising authority's certification is denied or revoked, or (b) the franchising authority requests us to regulate basic rates because it has insufficient resources to regulate or it lacks the legal authority to do so. Franchising authorities requesting Commission intervention on the basis of insufficient funds must submit a showing explaining why the franchise fees it obtains cannot be used to cover the cost of rate regulation at the local level. The Commission will not regulate basic rates where a local government voluntarily chooses not to seek certification because it is satisfied with the rates charged by the local cable operator.

(b) Preemption Issues

AA. Preemption of Franchise Agreements

18. All provisions in franchising agreements that prohibit rate regulation by franchise authorities are preempted by the 1992 Cable Act. Regardless of any provision in the franchise agreement, then, a franchising authority may regulate rates for basic service and equipment if the authority meets the certification standards.

BB. Preemption of State Law

19. State laws that preclude rate regulation are not preempted, although in such cases the Commission will assume jurisdiction over basic service and equipment rates. Similarly, state laws that prohibit local governments, but not state governments, from engaging in rate regulation are not preempted; in these cases, basic rate regulation will be conducted at the state level.

(2) The Certification Process

(a) The Certification Form

20. Franchising authorities intending to regulate basic rates must first submit a form certification with the Commission. This form, which will be available from the FCC, will certify that the franchising authority has met the statutory requirements (set forth above) for seeking certification and will further certify that, to the best of the franchising authority's knowledge, effective competition does not exist in the franchise area.

(b) Joint Certification

21. We decide that joint certification for communities served by the same cable system is permitted but not required.

Joint certification for communities served by different systems is also permitted. A state may not file a blanket certification on behalf of its franchising authorities. However, if a state (e.g. a statewide public utilities commission) is the franchising authority, it is entitled to file the certification for itself.

(c) Approval of Certification by the Commission

- Franchising authorities may certifications with the Commission 30 days after publication of the Report and Order in the Federal Register, although there is no deadline by which a franchising authority must seek certification. Under the statute, a certification will go into effect in 30 days unless the Commission finds that it is defective. The franchising authority must either mail the form by registered mail, return receipt requested, or hand-deliver the form and obtain a datestamped copy. The 30-day period will run from the date stamped on the return receipt or copy. However, franchising authorities will not be able to begin regulating rates until they have adopted regulations consistent with those adopted by the Commission in the Report and Order and have implemented rules which give interested parties a reasonable opportunity to comment during the rate regulation process. Franchising authorities have 120 days from the effective date of certification to adopt these rules and regulations.
- a petition 23. Cable operators may file reconsideration challenging the franchising authority's certification. Such petitions may be filed any time within the 30day period after a certification has become effective. An operator filing a petition for reconsideration on the ground that it is subject to effective competition will be granted an automatic stay of rate regulation until resolution of the petition, subject to refund liability back to the date the petition was filed if the Commission subsequently determines that there is no effective competition. Cable operators that file frivolous effective competition petitions to take advantage of the automatic stay provision will be subject to forfeitures.
- 24. If an operator believes that a franchise authority cannot be certified due to other defects (e.g., it does not have the legal authority, it lacks adequate resources or its rate regulations are not consistent with ours), the operator may file either a petition for reconsideration (which would be filed within 30 days after the certification becomes effective) or a petition for revocation (which could be filed at any time). Operators filing such petitions will not be entitled to an automatic stay of regulation but may request a stay.
- 25. Where we deny a certification on other than effective competition grounds, the franchising authority will be notified and informed of any modifications that must be made in

order to obtain Commission approval. If, after this opportunity to cure, the authority still fails to meet the certification requirements, its certification will be revoked.

(d) Revocation of Certification

- We will revoke а franchising authority's certification if, after a reasonable opportunity to comment, it is determined that state and local laws and regulations do not conform to the Commission's rate regulations governing cable rates. franchising authority's certification may be revoked if, after remand, a franchising authority fails to fulfill one of the three conditions for certification set forth above. In cases of revocation, the Commission will assume jurisdiction over basic service rates until an authority becomes recertified. In those cases remanded back to the franchising authority, an opportunity will be provided to cure defects with directions on how this may be accomplished. Resubmissions will be considered on an expedited basis. A franchising authority's certification will be revoked in these cases only if the authority fails to implement the remand While a petition for revocation is pending however, and absent grant of a stay, the franchising authority may continue to regulate the basic service rates of its franchisees.
- A cable operator once not subject to effective competition that later becomes subject to effective competition, may petition the franchising authority for change in its regulatory status. The operator bears the burden of proving the existence of effective competition. After an initial determination of the franchising authority that effective competition exists becomes final, the franchising authority will then cease regulating basic cable service rates, and the Commission's regulatory authority over cable programming services for the system in the franchise area will also cease. Cable operators denied a change in status by a franchising authority may seek review of that finding at the Commission by filing a petition for revocation. A joint statement may also be submitted by the cable operator and a franchising authority stating that effective competition exists. The joint statement must state which of the three statutory tests for effective competition has been met and explain how the test has been satisfied.

(e) Assumption of Jurisdiction

28. If the Commission denies or revokes a franchising authority's certification, it will exercise the franchising authority's jurisdiction over basic rate regulation until the authority requalifies. Upon denial of or revocation of certification, the Commission will assume jurisdiction and notify the local franchising authority and the cable operator. The notification to the cable operator will require it to file its basic rate schedule with the Commission within 30 days, with a copy

to the local franchising authority. Basic rate filings for existing rates or proposed rate increases for services and equipment (including increases in the baseline channel charge that results in the number of channels in a tier) must be accompanied by the appropriate FCC forms. Cable operators with existing or proposed rates above the permitted tier rate must submit a cost-of-service showing sufficient to support a finding that the rates are reasonable. Until further notice, cost-of-service showings should be made pursuant to the interim standards set forth in this document.

29. The Commission will assume basic rate jurisdiction until the franchising authority files a "petition for recertification" that is subsequently approved. The petition should contain a clear showing, supported by either objectively verifiable data such as a state statute, or affidavit, that the underlying reasons for revocation or denial no longer pertain, and must attach a copy of the earlier decision denying or revoking the original certification.

b. Implementation and Enforcement of Basic Tier Rates

(1) Review by Local Franchising Authorities

(a) Initiation of Basic Cable Rate Review

30. Once a franchising authority has been certified and has adopted the appropriate rules, it must notify the cable operator that these requirements have been met and that it intends to regulate basic service rates. The cable operator will then have 30 days to file its basic rate schedule (and any supporting material concerning the reasonableness of its rates) with the franchising authority.

(b) Franchising Authority Review of Basic Cable Rates

- 31. A two-step approach will be used regarding franchise authority review of a cable operator's current rates for the basic service tier and accompanying equipment, or proposed increases in those rates. Under the first step, if a franchising authority is able to determine that a cable operator's current rates are within the Commission's reasonable rate standards, the rates could go into effect 30 days after they were submitted. Also, if the franchising authority found that a proposed rate increase was within the Commission's rate standards, the increase could go into effect 30 days after filing with the franchising authority.
- 32. Under the second step, if the franchising authority is unable to determine whether the rate in issue is within the Commission's reasonable rate standard, based on the material before it, or if the cable operator has submitted a cost-of-service

showing seeking to justify a rate above the Commission's reasonable rate level, the franchising authority may take an additional period of time to make a final determination and toll the effective date of the proposed rates for a commensurate period. A franchising authority may take an additional 90 days if it needs more time to ensure that a rate is within the Commission's rate standard. The authority may take an additional 150 days to evaluate a cost-of-service showing seeking to justify a rate above the reasonable rate level. The authority must issue a brief written decision regarding its invocation of the additional time period. If no action is taken within these time periods, the proposed rates will go into effect, subject to subsequent refund orders if a franchising authority later issues a decision disapproving any portion of the proposed rates.

(c) Due Process Concerns

- 33. A cable operator is required to notify subscribers in writing of a proposed rate increase at approximately the same time it notifies the franchising authority, i.e., at least 30 days before any proposed increase is effective. An operator, however, will not be required to publish a notice of a proposed rate increase in newspapers or provide information to subscribers regarding how to lodge a complaint. Operators will be required to include in their subscriber notifications the name and address of the local franchising authority, so that the requisite information on complaint procedures can be readily obtained by a subscriber.
- 34. A franchising authority is required to issue a written decision to the public whenever it disapproves either an initial basic cable rate or a request for an increase in whole or in part, or approves a proposed rate over the objections of interested parties. However, we will not require an authority to issue a written decision if it is approving a basic cable rate or rate increase in its entirety and there have been no objections.

(d) Proprietary Information

35. Franchising authorities have the right to collect information, including proprietary information, in order to make a rate determination in those cases where operators have submitted initial rates or have proposed increases that exceed the Commission's reasonable rate standard. In cases where initial or proposed rates comply with the Commission's rate standard, however, requests for additional information should relate to proper documentation that an operator's prices are in accord with that standard.

(2) Remedies and Appeals

(a) Remedies for Unreasonable Basic Cable Rates

- 36. Franchising authorities may order prospective rate reductions and, where they have determined that existing or proposed rates are unreasonable, prescribe a reasonable rate.
- 37. Franchising authorities may also invoke the remedy of ordering refunds in three situations: First, if an operator fails to comply with a rate decision and continues to charge unreasonable rates, the authority can order refunds back to the effective date of its rate order. Second, as part of its initial review of existing cable rates, an authority has the discretion to order refunds for unreasonable rates that exceed the Commission's permitted tier charge and are not supported by a persuasive cost-of-service showing by the operator. Third, if an authority has tolled a proposed rate increase for 90 or 150 additional days and has not completed its review by the end of these time periods, the proposed rates can go into effect subject to a refund if portions of the rates are later found to be unreasonable. For situations two and three above, the refund period is limited to a maximum of one year.

(b) Forum for Appeals of Local Authorities' Decisions

38. The Commission will exercise exclusive jurisdiction over appeals of local rate decisions involving whether the franchising authority has acted inconsistently with the rate regulation provisions of the Cable Act or our implementing rules.

(3) Notification of Availability of the Basic Service Tier

39. Cable operators are required to notify subscribers of the availability of basic tier service within 90 days or three billing cycles from the effective date of the rules adopted in this proceeding and are required to notify new subscribers at the time of installation. Operators who can demonstrate that they have satisfied the notification requirement in the twelve months prior to the effective date of the cable regulations will be exempt from this requirement, provided that their notice conforms to the format and content requirements of our rules.

c. Regulation of Basic Service Tier Rates and Equipment

- (1) Components of the Basic Service Tier Subject to Rate Regulation
 - (a) Introduction and (b) General Requirements

40. The 1992 Cable Act requires cable operators to offer subscribers a separately available basic service tier to which subscription is required for access to any other tier of service. The basic tier must include, at a minimum, all must-carry signals, all PEG channels, and all domestic television signals other than superstations. The cable operator may add other channels of programming to its basic tier at its discretion. The statutory definition preempts provisions in franchise agreements that require additional services to be carried on the basic tier.

(c) Buying-Through Basic Service to Other Tiers

41. Subscribers must purchase the basic service tier in order to gain access to video programming offered on a per-program or per-channel basis. The <u>Report and Order</u> finds that purchase of the basic tier is not required in order to buy non-video programming services such as cable radio.

(d) A Single Basic Tier

42. Cable operators subject to rate regulation may have only one "basic" tier which must be unbundled from all other tiers; multiple basic tiers will not be permitted for rate regulation purposes.

(2) Regulations Governing Rates of the Basic Service Tier

(a) Statutory Standards

43. The Cable Act of 1992 requires the Commission to establish regulations that will assure reasonable rates for the basic service tier, but does not explicitly define "reasonable." Instead, it requires that regulations be designed to achieve statutory goals and take into account the enumerated statutory factors. We conclude that the statute does not require the Commission to place primary weight on any of the statutory factors governing rates for the basic service tier, but that we may do so as part of a reasoned balancing of statutory requirements and factors. Based on statutory findings and goals, as well as results from the Commission's industry survey, we have determined that under the statute the Commission can, and should, place primary weight on the rates of systems subject to effective competition. Accordingly, the Commission's regulations governing rates for the basic service tier are aimed toward achieving rate levels that are closer to rates of systems subject to effective competition.

(b) Benchmarking versus Cost-of-Service Regulation

44. The Commission examines the relative merits of a benchmarking versus a cost-of-service approach as the primary method for regulating rates for the basic service tier. We conclude that we should incorporate a benchmark into our framework for regulation of basic service tier rates because a benchmark can protect consumers from excessive rates and keep the costs of administration and compliance low. The Commission's rules, however, allow cable operators to use cost-of-service principles to justify rates higher than permitted by the system's benchmark.

(c) Local Authority Discretion

45. The Report and Order concludes that local authorities may not elect cost-of-service regulation as their primary mode of regulation of the basic service tier because such an approach would establish a regulatory regime for the basic service tier that is less consistent with Congressional intent than benchmark regulation. Rather, local governments must apply the benchmark system of rate regulation adopted by the Commission, unless a cable operator chooses to make a cost-of-service showing.

(d) Basic Rate Level in Comparison to Other Tiers

46. The Commission declines to adopt a regulatory framework for cable service that seeks lower rates for the basic service tier in comparison to higher tiers. We believe that any advantages in producing a low priced basic tier are outweighed by the incentives for cable operators to reduce offerings on the basic service tier. Accordingly, the Commission establishes a tier neutral framework for rate regulation that applies the same standards of reasonableness to the basic service tier and to cable programming services.

(e) Adoption of a Benchmark to Govern Rates for the Basic Service Tier

AA. The Competitive Benchmark

47. The Report and Order discusses the various benchmark alternatives proposed in the Notice. We find that the Cable Act of 1992 reflects a congressional conclusion that current rates for cable service result, in part, from an ability to raise rates to unreasonable levels because of a lack of effective competition, and that rates are unreasonable to the extent they exceed competitive levels. Our industry survey confirms that rates of systems not subject to effective competition exceed competitive levels by approximately 10 percent on an average industry basis. Based on the statute and the results of the Commission's industry survey, we conclude that the reasonableness of rates of the basic service tier shall be determined by reference to the rates of systems

subject to effective competition. The Commission, therefore, adopts a table of benchmarks based on the average September 30, 1992 rates of systems subject to effective competition.

BB. System Characteristics

48. The Commission applies different benchmark rates to systems based on the individual system's number of channels, subscribers, and satellite signals, but our industry survey does not provide a sufficient basis for identifying other system characteristics that would warrant application of different rate structures. As the Commission gains more experience with cable rate regulation, it may reevaluate this conclusion.

CC. Application of the Benchmark to Determine Initial Regulated Rate Levels

- 49. The Commission concludes that it will consider reasonable a per channel rate for the basic service tier that is at, or below, the benchmark level when a system becomes subject to regulation. Where a cable system is not charging rates that are above the competitive benchmark we can assume that its rates do not reflect undue market power, even in the absence of effective competition. Therefore, the initial regulated rate for such a system shall be its rate in effect on the date the system becomes subject to regulation, regardless of the amount that rate is below the benchmark.
- 50. Rates exceeding the applicable benchmark at the time regulation begins are presumptively unreasonable because they exceed the average rate charged by systems subject to effective competition. Some systems with rates at the onset of regulation that are above the benchmark may have had rates that were below the benchmark on September 30, 1992. Such systems are not subject to a rollback from levels in effect on September 30 because the rates were presumptively reasonable on that date. These systems must reduce rates from existing levels to the benchmark, but they may maintain increases from September 30, 1992 levels up to the benchmark and adjust rates to reflect inflation.
- 51. For a system with basic tier rates above the benchmark both when it becomes subject to regulation and on September 30, 1992, the maximum permitted rate will be the September 30, 1992 rates reduced 10 percent, but no lower than the benchmark rate for that system.
- 52. Instead of requiring all systems to now reduce rates to benchmark levels, the Commission will take the following steps to address systems with September 30, 1992 rates more than 10 percent above the benchmark: 1) conduct further surveys to refine the competitive benchmark, and further assess the competitive rate

differential between systems subject, and not subject, to effective competition, and to gather cost information; 2) examine in the <u>Further Notice</u> whether the Commission can, or should, exclude from competitive benchmark calculations, systems with less than 30 percent penetration; and 3) carefully scrutinize rates of cable systems that exceed the benchmark by significant amounts even after the 10 percent rollback through cost investigations.

53. The foregoing determinations define the initial permitted rate for the basic service tier when the system becomes subject to regulation. Those systems with initial rates based on adjusted September 30, 1992 rates, may further adjust those rates to reflect inflation occurring between September 30, 1992 and the time when regulation of the basic service tier begins. They must also apply an efficiency adjustment, specified in the rules, to those rates if the total number of subscribers or channels on the system changes between September 30, 1992 and the time of regulation. After those adjustments are made, the initial permitted rate for the basic service tier will then be capped as described in the next section.

(f) Adoption of the Price Cap

AA. In General

54. The Commission adopts a price cap mechanism to assure that future rate increases remain within reasonable bounds. We have found that a price cap approach is an effective alternative to cost-of-service regulation in other regulated areas, and that this approach is consistent with our statutory mandate. At the same time, the Commission has provided for adjustments to the price cap, based on inflation and other factors beyond an operator's control, to assure that the cap does not unduly restrict cable operators' ability to recover costs. The possibility of a cost-of-service showing will also assure that cable operators can recover appropriate costs of service. The price cap rate for the basic service tier will be expressed as a rate per channel to facilitate rate calculations and review.

BB. Application of the Cap to Systems with Current Rates Below the Benchmark

55. The price cap applies to all regulated systems, including those systems with rates that are below the benchmark on the date that regulation commences, unless a cable system justifies higher rates based on cost-of-service principles.

CC. Annual Adjustment Index

56. The Commission establishes an annual adjustment index that permits changes in each system's cap for the basic

service tier based on general changes in the cost of doing business. We adopt the GNP fixed weight price index (GNP-PI) as the annual adjustment index for the cap for basic service tier rates. Under our rules, cable operators may adjust the capped base per channel rate for the basic service tier annually after the final GNP-PI is published by the Department of Commerce for the preceding year. This approach represents the best balance between the administrative burdens imposed by more frequent rate adjustments and the need to permit prompt adjustments for inflation.

(g) External Costs

AA. Retransmission Consent Fees

57. The Commission concludes that retransmission consent costs should be treated as external to the benchmark. However, we are concerned that external treatment during the initial period in will which cable operators and broadcasters establish retransmission consent agreements, may unduly skew incentives away from fair bargaining for reasonable retransmission fees. Commission believes that a delay in onset of external treatment for retransmission consent fees will serve to protect subscribers from any precipitous increase in rates after October 6, 1993. Hence, we will accord retransmission consent costs external treatment only after October 6, 1994 and only for new or additional fees beyond those already in effect on October 6, 1994. The Commission will also monitor initial retransmission consent agreements and their potential impact on subscribers and may reexamine external treatment if it appears that retransmission consent fees have an unwarranted impact on subscribers.

BB. Other External Costs

- 58. Programming Costs Other Than Retransmission Consent. The Commission will treat programming cost increases, other than retransmission consent, as external to the benchmark. We will monitor the impact of external treatment of programming cost increases and consider making programming costs subject to the cap if it appears that this treatment is disserving subscribers. The Commission's accounting and cost allocation requirements will determine the share of programming costs to be allocated to the basic service tier. The Report and Order also limits external treatment of programming costs for programming obtained from affiliated entities to the percentage change in the admissions component of the Consumer Price Index between the effective date of the price increase and the date the previous price took effect.
- 59. Taxes, Franchise Fees, Cost of Franchise Requirements. The Commission also excludes from the cap taxes, franchise fees and the costs of satisfying franchise requirements, including the costs of satisfying franchise requirements for local,

public, educational and governmental (PEG) access channels. The Commission's accounting and cost allocation requirements provide that costs associated with PEG channels carried on the basic tier will be directly assigned to the basic tier where possible and remaining costs will be allocated between tiers in proportion to the number of channels on each tier.

CC. Starting Date for External Treatment

- 60. For all categories of external costs other than franchise fees, changes in external costs shall be measured from date on which the system becomes subject to regulation, or 180 days from the effective date of our regulations (December 20, 1993), whichever occurs first. Thus, any changes in external costs occurring prior to that date, including from September 30, 1992, will not be accorded external treatment.
- 61. The industry competitive rate level derived from the Commission's survey data has been adjusted to remove franchise fees. Thus, the Commission permits the total amount of franchise fees to be accorded external treatment at the time the system becomes subject to regulation, rather than only the amount of additional franchise fees incurred after that date.

DD. Limitation on External Treatment for Increases Less Than Inflation

62. For all categories of external costs, other than franchise fees, the Commission permits external treatment for increases in such costs only to the extent that they exceed inflation as measured by the GNP-PI. This requirement does not apply to franchise fees, however, because the benchmark and the Commission prescribed formula for determining the permitted channel rate, are adjusted to exclude franchise fees. Thus, the total amount of increases in franchise fees will be accorded external treatment. Similarly, since the benchmark does not reflect retransmission consent fees, we will accord external treatment to the total amount of retransmission consent fees, after October 4, 1994.

(h) Cost-of-Service Showings

AA. The Opportunity to Justify Rates Above the Cap Based On Costs

63. The Commission has determined that its primary method of regulating cable service rates shall be a price cap mechanism applied to rates determined in relation to the competitive benchmark. However, the starting price cap level is based on industry-wide data and does not necessarily reflect individual systems' costs of providing cable service. Thus, the Commission cannot be certain that the initial capped rate will

permit all cable operators to fully recover the costs of providing service and to continue to attract capital. basic tier Accordingly, a cable operator is permitted to make a cost-ofservice showing to determine the reasonable rate for its system. The resulting rate determination will supercede benchmark/rollback provisions. Thus, an operator may exceed the benchmark or capped rate if it can make the necessary cost showings in certain circumstances. Similarly, however, a cost-of-service determination resulting in a rate below that system's September 30, 1992 rate minus 10 percent will prescribe that system's new rate. The Commission rejects the alternative of not permitting cable operators to exceed the cap unless the rate as applied to them is confiscatory.

BB. Cost-of-Service Standards

- 64. The Report and Order adopts cost-of-service standards to govern the extent to which cable operators may exceed capped rates for the basic service tier based on costs. In the future, it may be appropriate for local franchising authorities to assume a larger role in setting cost-of-service standards for the basic tier, but the Commission believes that presently these standards should be established at the national level. However, the current record does not contain sufficient information for the Commission to adopt final cost-of-service standards for cable service at this time. Accordingly, a Second Further Notice of Proposed Rulemaking will be issued shortly to seek additional comment on the development of appropriate standards.
- Pending this rulemaking, which the Commission intends to complete on an expedited basis, cable operators may elect to maintain current above benchmark rates and attempt to justify them in their initial rate filings pursuant to the general principles for cost-of-service regulation. Alternatively, operators may elect to reduce these rates as required by our benchmark regulations. Cable operators that reduce rates in accordance with Commission requirements may seek to raise rates above the cap pursuant to the general procedures the Commission is establishing for cable operators seeking rate increases for the basic service tier. Local authorities (or the Commission in situations where it regulates basic rates) will review cost-ofservice showings by cable operators seeking to raise rates above capped levels. Cable operators or subscribers may then appeal the local decision to the Commission. The Commission will review such local decisions on a case-by-case basis pending the cost-ofservice rulemaking.

(3) Regulations Governing Rates for Equipment

(a) Equipment Covered

- 66. The Cable Act of 1992 requires the Commission to establish standards for setting, on the basis of actual cost, the rate for installation and lease of equipment used by subscribers to receive the basic service tier, and the installation and lease of monthly connections for additional television receivers.
- 67. The Commission concludes that equipment "used to receive the basic service tier" is broadly interpreted and includes converter boxes, remote controls, connections for additional television sets and cable home wiring. Our expansive reading of the phrase "used to receive the basic service tier" means that equipment and installations used to receive both basic tier service and other services would be regulated according to actual cost guidelines described below. Although the Commission believes that Congress intended the Commission's regulations to encourage a competitive market in the provision of equipment and service installation, the Commission does not have, at this time, the information it would need to establish a separate effective competition test for installation and equipment. The Commission has begun a proceeding to investigate these issues. Therefore, all systems subject to rate regulation must comply with the actual cost standards for equipment and service installations used to receive the basic service tier.

(b) Unbundling

68. Cable systems must unbundle charges for equipment, installation, and additional outlets from the rates for basic service. In addition an operator must calculate separate charges for installations, remote control units, converter boxes, and other customer equipment.

(c) Actual Cost Standard

- 69. Local franchising authorities regulating equipment used to receive the basic service tier shall require cable operators to establish an Equipment Basket to which the operator will assign the direct costs of service installation, leasing, maintaining and servicing customer equipment. The Basket will include an allocation of all system joint and common costs that installation, leasing and repairing equipment share with other system activities, excluding general system overhead. The Equipment Basket costs include a reasonable profit. An operator must also calculate an Hourly Service Charge ("HSC") through which it would recover all Equipment Basket costs (including a reasonable profit) except for the operator's costs of purchasing and financing the lease of customer equipment.
- 70. Charges for leasing each type of remote control unit shall be designed to recover the operator's cost of purchasing and financing the remote, and expected repair and service charges over the useful life of the equipment. Expected repair and service

charges are to be determined by multiplying the estimated average number of repair and service hours per remote by the HSC. Charges for leasing converter boxes and all other equipment shall be calculated in the same manner as for remotes. For installation charges, the cable operator must elect a uniform installation charge that is calculated based upon either: 1) the HSC times the person hours of the visit; or 2) the HSC times the average hours spent per installation visit.

The Commission's guidelines do not preclude an 71. operator from selling equipment to subscribers. The equipment price shall be set at no higher than necessary to recover the operator's costs, including all costs incurred for storing and preparing equipment for sale up to the time it is provided to the customer, including a reasonable profit. The purchaser responsible for maintaining and repairing any purchased equipment, but cable operators may also sell service contracts. The price of these contracts shall be based on the HSC times the estimated average number of hours required for maintenance and repair over the expected life of the equipment. The cable operator shall provide notice at the time of sale that system upgrades might make a customer's purchased equipment incompatible with the new cable system technology.

(d) Promotions

72. The Commission's rules permit cable operators to offer promotions, including a permanent below cost offering of installations. However, instead of allowing cable operators unlimited discretion to price all equipment and installation below cost, the Commission is requiring that below cost offerings be reasonable in scope in relation to the operator's overall offerings in the Equipment Basket. Cable operators must exclude the costs of promotions from the Equipment Basket, but may include these costs in general overhead as part of a cost-of-service showing. The Commission will review this treatment of promotional costs when it addresses the issue of whether the Commission should take steps to promote a competitive market for equipment.

(e) Additional Connections

73. The Commission is requiring that costs associated with the installation of, and equipment used with, additional connections be included in the Equipment Basket. Cable operators will recover the costs of additional connections in the charges for installation or lease of customer equipment used with the additional connection. The installation charge for additional connections is the HSC times the person hours of the visit or the HSC times the average number of hours spent per visit. If the operator elects to use an average installation time, the Commission is requiring two rates: one for wiring additional connections at the time of the installation and another if the operator makes a

separate visit to install the additional connection. Remotes and other equipment involved are to be leased to the customer at the same rate as equipment used with primary outlets. Any network costs for boosting the signal to serve more than one outlet in a home should be treated as part of general system overhead. If a subscriber requests additional connections that exceed network design capabilities and require additional customer premises equipment, the cable operator may recover the costs of the additional equipment through an additional connection charge, developed by using the Commission's actual cost guidelines for other leased equipment.

74. The Commission also allows a cable operator, if it incurs additional charges for programming carried on basic or cable programming services channels that it transmits to additional outlets, to recover these charges through a monthly charge levied for additional outlets in fact receiving that programming.

(4) Cost of Franchise Requirements

75. The Commission has determined that costs attributable to satisfying franchise requirements shall include:
1) the sum of per channel costs for the number of channels used to meet franchise requirements for public, educational and governmental channels; 2) any direct costs of providing any other services required under the franchise; and 3) a reasonable allocation of overhead.

(5) Customer Changes

- 76. The Cable Act of 1992 requires that regulation for the basic tier include standards and procedures to prevent unreasonable charges for a customer changing equipment or service tiers. The Commission concludes that these regulations should apply to any changes in the number of service tiers and charges for changing equipment that are initiated at the subscriber's request after the installation of initial service. These same standards should apply to upgrades and downgrades in service tiers. Furthermore, the Commission requires that customers be allowed 30 days after notice of retiering or rate increases to change service tiers at no charge.
- 77. Operators may impose only a nominal charge for changing service tiers effected solely by coded entry on a computer terminal or by other similarly simple method. The Commission considers any charge under \$2.00 nominal. The Commission will also allow franchising authorities the discretion to consider additional community specific factors in evaluating these charges. However, these charges cannot exceed the actual costs of changing tiers, as discussed below.

- 78. The Commission recognizes that charges for changing tiers have the potential to increase customer churn, but the Commission lacks specific data on this topic. Therefore, the Commission has created an exception to the cap on rates for changing service tiers effected by coded entry on a computer terminal or other similar methods. Cable operators who believe their system has an increasing and unacceptable level of churn in service tiers may establish an increased charge for changing service tiers more than two times in one year. The operator must prove to the franchising authority that the churn level in cable service tiers has reached an unacceptable level and that its escalating scale of charges is reasonable. In addition, the cable system must notify all subscribers that they will be subject to an increased charge if they change service tiers more than the specified number of times in one year.
- 79. For changes in service tiers or equipment that involve more than coded entry on a computer or other similarly simple method, the Commission adopts the actual cost guidelines for equipment and installation. The actual cost charge would be either the HSC times the amount of time it takes to effect the change or HSC times the average times such changes take.

4. Regulation of Cable Programming Services

a. Definition of "Cable Programming Service"

80. Under the 1992 Act, regulation of "cable programming service" rates and equipment is to be conducted by the Commission, not local franchising authorities. "Cable programming service" is defined broadly in the statute as all video programming provided over a cable system except that provided on the basic service tier or on a per-channel or per-program basis. The Commission will also exclude per-program and per-channel premium services offered on a multiplexed or time-shifted basis.

b. Complaints Regarding Cable Programming Service Rates

(1) Procedures for Receiving, Considering, and Resolving Complaints

- 81. The 1992 Act provides that rate regulation of cable programming services and equipment will occur only in response to specific complaints $-\frac{i.e.}{i}$, the Commission will not regulate cable programming service rates until it receives a complaint that a particular operator's rates are unreasonable.
- 82. The 1992 Act permits subscribers, franchising authorities and other relevant government entities to file complaints about the rates for cable programming services and equipment. As required by law, complainants alleging that a cable operator's current cable programming rates are unreasonable will

have 180 days from the effective date of the Commission's rules to challenge existing rates. With regard to rate increases, complainants must file complaints about cable programming service and equipment rates within 45 days from the time subscribers receive a bill that reflects the rate increase.

- 83. In order to avoid dismissal of a complaint, the complainant must supply certain readily available factual information and must allege that the rate is unreasonable because it violates the Commission's rate regulations. Complainants must use the complaint form adopted by the Commission and serve a copy on the cable operator and franchising authority.
- 84. Subscribers need not obtain the franchising authority's concurrence before filing a complaint with the Commission. However, franchising authorities are encouraged to assist subscribers in completing complaint forms and subscribers are free to attach the views of the franchising authority when submitting a complaint to the Commission. Franchising authorities will not be permitted to formally review and adjudicate cable programming service complaints in the first instance.
- 85. Upon receipt of a cable programming service complaint submitted on the FCC form, the Commission will review the complaint to determine whether it meets the minimum showing needed to permit the complaint to go forward. The operator must respond to a complaint filed on the standard complaint form within 30 days of service of the complaint, unless the Commission notifies the operator that the complaint fails to satisfy the minimum showing requirement.

(2) Remedial and Enforcement Procedures for Rates Found to be Unreasonable

86. If cable programming service rates are found to be unreasonable, the Commission will order the operator to reduce rates prospectively and to reflect that reduction in prospective bills to customers. The operator will also be required to refund overages (plus interest) to subscribers, with refunds being calculated from the date the complaint was filed until the date the operator implements the reduced rate prospectively in bills to subscribers.

c. Regulations Governing Rates

(1) Statutory Standards

87. The Commission concludes that standards for identifying cable programming services rates that are unreasonable in individual instances will comply with the Cable Act of 1992 if they reflect a reasoned balancing of the statutory factors and if we explain how our standards reflect these statutory factors. The

Commission finds, while not mandated by the statute, that primary weight should be given to the rates of systems subject to effective competition.

88. The Commission believes that a "bad actor" test for cable programming service rates, designed to reach those cable operators whose rates for cable programming services are "egregious" would not fulfill the mandate of the Cable Act. We conclude that Congress used the term "unreasonable" in provisions regarding cable programming services rather than "reasonable" as a reflection of the different procedural regulatory scheme for protecting consumers from excessive rates for basic and for cable programming services. Congress did not require different substantive standards. Therefore, when assessing a complaint that a cable system's cable programming service rates are unreasonable, the Commission will use the same test of reasonableness adopted for basic service rate regulation.

(2) Benchmarking versus Cost-of-Service

89. As for the basic service tier, the Commission will use a benchmark approach as the principal form of rate regulation for cable programming services, with cost-of-service showings used only by cable systems whose rates exceed the benchmark.

(3) Adoption and Application of the Benchmark and Price Cap for Cable Programming Services

- 90. The Commission adopted the same competitive benchmark for cable programming services as for the basic service tier and applies it in the same manner to determine the initial permitted per channel rate for cable programming services. The Commission also adopts the same price cap requirements for cable programming service as for the basic service tier, including the same annual adjustment index, and requirements for, and treatment of, external costs.
- 91. Systems with a per channel rate for cable programming services at or below the benchmark at the time the system becomes subject to regulatory review will be considered reasonable and that rate will be its permitted rate. Systems with rates in effect at the time of regulation that are below the benchmark will be capped at that level. For systems with rates at the time of regulation that are above the benchmark, the permitted level for such systems will be determined by a further comparison to the benchmark of rates in effect on September 30, 1992. For systems with September 30, 1992 rates that are above the benchmark, the rate shall be the September 30, 1992 per channel rate reduced by of 10 percent, but no lower than the benchmark, and then adjusted forward by inflation. For systems with rates on September 30, 1992 that were below the benchmark, the permitted rate shall be the benchmark rate adjusted forward by inflation. The price cap

will then be applied to the per channel rate determined by the above comparison of rates to the benchmark. Price cap requirements will be the same as for the basic service tier.

(4) Secondary Cost-of-Service Showings

92. As for basic service, the Commission will permit cable operators to exceed the benchmark rate for cable programming services based on costs. Similarly, the Commission will adopt cost-of-service standards for application by the Commission to determine the extent to which cable operators may exceed capped rates for cable programming services. However, as for the basic service tier, the record does not permit the Commission to fashion cost-of-service standards at this time. Accordingly, we will adopt and issue separately a Second Further Notice to establish cost-of-service standards for cable services including cable programming services.

(5) Installation or Rental of Equipment Used to Receive Cable Programming Services

(a) Equipment Subject to Regulation as Cable Programming Services

Complaints concerning rates for equipment and installation used to receive cable programming services, either solely or in conjunction with unregulated programming, shall be subject to the same actual cost standard implemented for basic tier equipment and installation. The costs of equipment and installation used to receive cable programming services shall be included in the Equipment Basket and the charges associated with this equipment shall be determined on the same basis as charges for other equipment subject to the actual cost methodology. However, because the Commission has jurisdiction over cable programming services, it will review any complaints or issues concerning such equipment or installation.

(b) Unbundling of Rates for Installation and Rental of Equipment Used to Receive Cable Programming Services

94. The Commission concludes that cable operators should be required to unbundle equipment and installation rates from equipment used to receive these services. The Commission also concludes that cable operators shall be required to unbundle installation rates for cable programming services from rates for equipment leasing.

5. Provisions applicable to Cable Service Generally

a. Geographically Uniform Rate Structure

"have a rate structure, for the provision of cable service, that is uniform throughout the geographic area in which cable service is provided over its cable system." The Commission concludes that a cable system must have a uniform rate structure throughout the franchise area. This requirement, however, does not preclude operators from establishing reasonable categories of customers and services. The Commission concludes that for purposes of the Cable Act of 1992 a geographic area means the franchise area. Thus, a cable operator is generally required by this provision to have a uniform rate structure within each franchise area.

b. Discrimination

96. A cable operator may offer reasonable discounts to senior citizens and other economically disadvantaged individuals. For this purpose, an "economically disadvantaged individual" is defined as a person who receives federal, state or local welfare assistance.

c. Negative Option Billing

97. The 1992 Act provides that an operator may not charge a subscriber for "any service or equipment that the subscriber has not affirmatively requested by name." This limitation on so-called "negative option billing" applies whenever a new tier or single channel service is added. However, restructuring undertaken to respond to the Commission's new rate regulations will not bring the negative option billing provision into play as long as subscribers continue to receive the same number of channels and the same equipment, and the total price for the services does not change. On a going-forward basis, the provision does not apply to changes in the mix of channels in a tier, or restructurings of service, even when those changes are accompanied by a rate increase, unless the changes alter the fundamental nature of the service tier.

d. Collection of Information

98. The Commission at this time will not establish collection of information requirements. The Commission will explore this issue in a <u>Second Further Notice</u> in the future.

e. Prevention of Evasions:

99. Prohibited "evasions" are defined as any practice or action which avoid the rate regulation provisions of the 1992 Act or the Commission's rules contrary to the intent of the Act or its underlying policies.

f. Small System Burdens

100. Franchise authorities regulating small cable systems are permitted to exempt those systems from having to file an initial rate schedule with the franchising authority. In such cases, the small system need simply certify to the authority that its rates for basic service and equipment are reasonable and are within the applicable benchmark formula. However, a small system whose rates exceed the benchmark, a small system proposing to increase its basic service rates or a small system that is the subject of a cable programming service complaint is not exempted from the procedures the Commission has established. For these purposes, a "small system" is a system served by an integrated headend with fewer than 1,000 subscribers.

g. Grandfathering of Rate Agreements

101. Franchising authorities already regulating rates pursuant to a franchise agreement executed before July 1, 1990 may continue to regulate basic service and equipment rates for the remainder of the franchise term without following the Commission's substantive rate standards and without filing a certification with the Commission. Authorities with agreements signed after that date must be certified by the Commission.

h. Reports on Average Prices

i. Effective Date

102. The Cable Act of 1992 states that the amendments to Section 623 of the Communications Act that mandate rate regulation by the Commission of cable systems that are not subject to effective competition shall become effective 180 days from the date of the enactment of the Act. The Commission concludes that by adopting the Report and Order it meets the effective date requirements of the Cable Act of 1992. The Commission establishes June 21, 1993 as the effective date of its regulations adopted in the Report and Order.

B. Leased Commercial Access

1. Leased Access: Background

103. The Communications Act requires that cable systems with 36 or more channels make available a portion of their channel capacity for lease by outside unaffiliated parties. Under the Cable Act of 1992, the Commission is provided with expanded authority to regulate the commercial leasing of cable channels for those cable systems required to make such channel capacity available.

2. Leased Access: Terms and Conditions of Use

104. A the cable operator and commercial leased access user may negotiate channel placement and tier access for leased programming. Parties must take into account the nature of the service; the relationship between the charge imposed and the desirability of the channel; and, the need to provide competition in delivery service and diversity of programming. Cable operators may not apply programming production standards to leased access users that are any higher than those applied to PEG channels. Operators must also provide the minimal amount of technical support necessary for users to air their material. Operators are also entitled to be reimbursed for such services. Reasonable security deposits to lease channels may be requested from users by cable operators. Cable operators may not set terms and conditions for users based on content except to the extent necessary to establish a reasonable price for use of channel capacity and to comply with the Commission's indecency standards. Cable operators are also required to provide billing and collection services for leased access users, unless the operator demonstrates the existence of third party billing and collection services which in terms of cost and accessibility, offer leased access users an alternative substantially equivalent to that offered comparable non-leased programmers.

3. Leased Access: Maximum Reasonable Rates

a. Leased Access

105. The maximum commercial leased access rates that a cable operator may charge is the highest net implicit fee charged any nonaffiliated programmer within the same program category. The implicit rate is calculated by determining the amount paid per month by subscribers for the service and deducting from that the amount that is paid per month to the programming service vendor. The difference between the amount received and the amount paid is the net implicit leased channel rate. Such rates are to be calculated separately for (1) pay-per-program or pay channels, (2) channels containing more than fifty percent direct sales (home shopping networks), (3) and all other channels.

b. Access Rates for Not-for-Profit-Programmers

106. The Commission declines to establish special rates for not-for-profit programmers, or to require that operators set-aside capacity for such purposes. The Commission finds that the procedures adopted for establishing maximum reasonable rates adequately ensure that the interests of such programmers are considered.

4. Leased Access: Reporting Requirements

107. Although specific reporting requirements for leased access will not be implemented, the Commission will gather necessary leased access information on leased channel usage and rates in its general reporting and monitoring process mechanisms for cable systems.

5. Leased Access: Procedures for Resolution of Disputes

108. Review of leased access rates or terms and conditions will be triggered by the filing of a complaint at the Commission. A streamlined process has been developed to handle these complaints so that they can be handled expeditiously.

6. Leased Access: Minority and Educational Programmers Alternative

109. In accordance with the statutory provisions, up to 33 percent of a system's designated leased channel capacity may be used for qualified minority or educational programming purchased by the system operator rather than by leased channel programming.

C. Subscriber Bill Itemization

110. Cable operators may identify as a separate line item on each subscriber bill the amount of any fee, tax, assessment or charge imposed by a government entity on the transaction between the operator and the subscriber.

Đ.

*

D. Cost Accounting/Cost Allocation Requirements

- 111. The rate regulations that the Commission has adopted impose a price cap on cable service rates with certain categories of costs defined as external to the cap. Cost accounting and cost allocation requirements are necessary to assure that costs that are intended to receive external treatment are in fact accorded such treatment. The regulations additionally authorize cable operators to make cost-of-service showings to justify a rate higher than the capped level. Cost accounting and cost allocation requirements are also necessary to permit identification of costs that will justify a rate above the cap.
- 112. The Commission has an insufficient record on which to determine the optimum level of rate averaging for the cable industry. Accordingly, while the Commission is adopting in the Report and Order requirements that will permit immediate implementation of our rules, the Commission has determined that it will include in a Second Further Notice issues pertaining to what cost accounting and cost allocation requirements should be adopted on a permanent basis.

113. The cost accounting rules the Commission adopts will nevertheless permit a successful immediate implementation of rate regulations. Cable operators are required to identify certain locally incurred costs such as franchise fees and local taxes at the franchise level. For purposes of calculating external costs or cost of service, cable operators shall identify costs at the level at which, for accounting purposes, they identified the category of costs on April 3, 1993. Cable operators are required to justify and explain this identification and that it is, in fact, the level used to identify costs on April 3, 1993. Costs are then to be allocated to the franchise level on a per subscriber basis.

III. Further Notice of Proposed Rulemaking

114. The Commission solicits comment on whether we should, and may lawfully, exclude the rates of systems in low penetration areas in calculating the competitive rate differential. The Report and Order explains that we calculated the competitive rate differential based on a comparison of data collected from systems subject to effective competition with data from systems not subject to effective competition. Our industry survey was based on data from systems subject to effective competition under each of the three independent statutory criteria used to define effective competition in Section 3 of the 1992 Cable Act, including systems expected to have less than 30 percent cable penetration. It is possible, however, that exclusion from our sample of rates of systems in low penetration areas may produce a better measure of competitive rate differential because low penetration may be attributable to factors other than the presence of competition. Our preliminary analysis reveals that the exclusion of low penetration systems will produce a competitive rate differential of between 25 and 30 percent.

18 May 1993

From:

Chairman

To:

Board Members

Subject: Guidelines for Town Counsel or Special Counsel

- 1. It seems appropriate for the Town to publish guidelines for the legal counsel it employs, since we expend considerable sums for representation and expect quality results. Some time ago I indicated that I would prepare draft guidelines and this has finally come to the top of my deferred work list.
- 2. Enclosed for your comments are the suggested draft guidelines. I have drawn fairly heavily on guidelines which have been promulgated to my firm by some of our corporate clients in preparing this draft.

3. I have asked the Town Manager to distribute copies of this memorandum as indicated below. All recipients and indeed all citizens, are invited to comment to the Board of Selectmen.

F. DORÉ HUNTE

Enclosure

Copies/w encl tox

Moderator

School Committees

All Town Boards and Committees

Town Manager Superintendent Town Counsel

Special Town Counsel

ACTON'S GUIDELINES FOR TOWN COUNSEL OR SPECIAL COUNSEL

The Board of Selectmen of the Town of Acton has prepared these guidelines for your benefit as the attorney engaged to represent the Town of Acton. The guidelines cover two primary topics: (1) the Town's philosophy regarding the retention and use of Counsel; and (2) certain requirements regarding fees, billing, disbursements, and other important administrative matters.

The guidelines provide a general framework for your work on our behalf. While they represent the Acton's general policies, there is obviously some degree of flexibility in their application to specific situations. Nevertheless, we ask that you discuss with us any questions concerning your retention before proceeding on a course of action which is not clearly contemplated by the sections which follow.

THE TOWN MANGER'S RESPONSIBILITIES

It is the responsibility of the Town Manager to make clear the objectives that the Town is seeking to defend or attain, monitor progress of the matter, keep you informed of important developments of which you might be unaware, and act as the liaison between you and Town personnel.

To the maximum extent possible it is the Town's intention to have the Town Manager's office serve as the single point of contact between Counsel and the various components of the Town's government organization. To that end it is anticipated that the Town Manager will screen requests for advice and/or action by Counsel initiated by members of the Town staff or appointed Board/Committee members. It is also anticipated that the Town Manager or his delegate will be responsible for passing Counsel's reports and/or advice back to the appropriate Town parties.

We encourage Counsel to ask for any additional information about Town personnel, Board or Committee responsibilities, activities or organization which you would find helpful.

YOUR RESPONSIBILITIES

Acton has high expectations of its Town Counsel or any Special Counsel employed. The following describes those expectations.

<u>Conflicts of Interest</u>. Counsel must have the highest ethical standards and must be free of any conflicts of interest. The Town expects Counsel to have undivided loyalty to Acton, its Boards, Committees, staff, elected and appointed officials and not seek to obtain cases against its or their official interests. Counsel must

check, prior to undertaking to represent the Town in any particular matter, for any actual or potential conflicts of interests which might arise from the contemplated representation of Acton. particular, we ask newly assigned attorneys to confirm the absence of any conflicts in a letter providing acknowledgement of an Counsel must also notify the Town Manager of any assignment. conflict that may develop during the handling of a matter. should understand that a conflict will exist if there is a conflict between the work of your firm and any of the affiliated enterprises of the Town of Acton. Those affiliated enterprises are the Acton-Boxborough Regional School District, the Acton PUblic Schools, the Acton Water District, and the Minuteman Regional Vocational Technical High School District. Potential conflicts might also arise out of counsel's representation of [full legal name of NESWC], any of the NESWC members, or an abutting municipality to Acton.

Staffing of Matters. After you have been asked to handle a particular matter, you and the Town Manager or his specific delegate should agree on which attorney with your firm will have primary responsibility for the matter. You should agree on the partners, associates, and legal assistants who will be assigned to the matter. We expect you to utilize, if possible, attorneys who have developed a knowledge of the Town of Acton's activities, organization and functions.

You should consult with the Town Manager attorney before you make any staffing changes. Acton will normally pay only for services performed by attorneys and legal assistants on whom we have agreed and for whom you have submitted a fee schedule. Acton will not pay for work performed by Summer Associates and/or Law Clerks, unless specifically justified and approved in advance.

Usually, it will be most efficient for a single attorney or group of attorneys in your firm to handle the matter from beginning to end. Doing so will avoid a "learning curve" for additional staff. We recognize that staffing changes will be necessary from time to time, but we encourage Counsel to seek continuity in staffing. In any event, Acton will not pay for time spent by newly assigned attorneys or legal assistants to familiarize themselves with the file.

Counsel must avoid duplication of effort in handling matters on Acton's behalf. Your law firm should continue to limit the number of attorneys attending routine meetings, depositions, or court proceedings to only those essential to the performance of the task. In most instances, only one attorney needs to be present.

<u>Litigation Support</u>. Counsel must consult with the Town Manager before incurring any significant expense for large document productions, creation of computerized data bases, or other litigation - support activities. The Town Manager must approve in

advance the retention of any outside expert or consultant.

<u>Legal Research</u>. We assume familiarity with the basic municipal law. If significant research appears to be required for any particular matter at issue, we expect the requirement and the anticipated expense in regard to such will be discussed in advance with the Town Manager.

In conducting legal research for Acton, the law firm is expected to utilize all appropriate sources reasonably available including previously prepared briefs and memoranda. While value-added premiums will not be paid, Acton will pay for actual time spent in updating and tailoring such previously prepared briefs and memoranda to address the Acton matter.

We encourage you to discuss the results of your research or other analysis with the Town Manager or his delegate before committing your opinions to writing whenever it may be appropriate. Doing so will often avoid the creation of lengthy memorandum or letters which may prove to be of less utility.

If legal research applies to matters which your firm is handling for other clients, you should bill only the appropriate proportionate share of the time and expense to Acton. Further, you should bill only the actual costs incurred for computerized legal research or other research services as billed by the date-base company.

Communications. One of the most important expectations we have is that you communicate with the Town Manager and his delegates. You should work with him/her to ensure responsiveness to the Town's requests. If a request for legal services, which will be chargeable to the Town of Acton, comes to you from other than the Town Manager, the Manager's specific delegate, or the Chairperson of the Board of Selectmen, you shall bring that request to the attention of the Town Manager and/or Board of Selectmen Chairperson and take no further action on the matter unless authorized to do so by one of those individuals.

You should keep the Town posted on developments, and you should ask the Manager to clarify any confusing requests. In turn, the Town Manager will strive to give you realistic assessments of a particular matter's importance. Doing so should help you set priorities. Further, we will try not to hold assignments until the last minute and then insist that you work on a rush basis.

INITIAL EVALUATION & REPORT IN ON-GOING MATTERS

As promptly as practicable (generally, no later than ninety (90) days from commencement of a litigation matter or thirty (30) days in a non-litigation matter), you should review any assigned

task which will be on-going and provide the Town Manager with an initial evaluation. The evaluation, when appropriate, should include proposed strategy, preliminary views on exposure or success, an outline of the scope of the work anticipated and planned staffing, major action steps, and a preliminary cost estimate when a matter in litigation appears to be one which will generate legal fees and expenses totalling in excess of \$10,000 or for a non-litigation matter, fees and expenses in excess of \$3,000. This initial evaluation shall also include a discussion of the possibility of early settlement or alternative dispute resolution where appropriate.

Thereafter, you must use appropriate means to keep the Town Manager informed of developments in the matter to ensure the Town's active participation in its handling. Significant developments and any issues regarding the policies or decisions of Town Boards/Committees or the Town Manager, liability of the Town, or exposure to loss or liability must be promptly communicated to the Town Manager, and if appropriate in very important matters, directly to the Chairperson of the Board of Selectmen. Whereas we expect the routine communications will be between the lead attorney from your firm and the Town Manager, Counsel is selected by the Board of Selectmen and the Board is the senior policy making body of the Town. Accordingly Counsel is always privileged to communicate directly with the Board, through its Chairperson.

COUNTERCLAIMS, CROSS CLAIMS AND THIRD PARTY CLAIMS

You may not file any counterclaim, cross claim, or third party claim without prior Town approval obtained through the Town Manager. A request for authority to file such a claim must be presented in sufficient time to ensure an adequate opportunity for internal Town decision-making.

SETTLEMENT AUTHORITY

Counsel must obtain authority to settle any claim through the Town Manager. A request for settlement authority must be presented to the Town Manager in sufficient time to ensure an adequate opportunity for internal Town decision-making. This decision-making may require action at a meeting of the Board of Selectmen. The Board normally meets bi-weekly.

FEES

We encourage the proposal of and consideration of alternative fee arrangements. Any such arrangements must, however, be documented in writing. Unless the Town Manager and Counsel have agreed on an alternative basis for legal fees in writing, the Town pays for legal services on the basis of the standard hourly rate for individuals performing services, without premiums or bonuses based on results. The Town will not accept value-added or premium billing unless previously approved in writing by the Town Manager.

The Town Manager and Counsel must agree on hourly rates in December each year for the upcoming calendar year, such agreement will be documented in a fee letter. Acton will not pay any increased hourly rate unless the Town Manager and Counsel have agreed to it in advance and Counsel has furnished a revised fee letter.

Hourly rates should contain all overhead and internal charges associated with your practice, such as administration, routine secretarial work, word processing, computer, accounting, overtime building services, librarian time, and clerical time.

DISBURSEMENTS

Acton will reimburse the firm for reasonable out-of-pocket disbursements of expenses occurred on its behalf. (See also Travel Time and Expenses). The Town Manager must approve major disbursements (i.e. in excess of \$500.00) in advance.

Disbursements should not include charges for routine secretarial work, word processing, local telephone expenses, overtime building services, or office supplies. Computerized legal research should be billed at actual cost as charged by the data base company. The Town will reimburse the reasonable actual cost for necessary photocopying, telecopying or fax, long distance telephone calls, postage and courier services. A disbursement item for photocopying expenses must reflect either the per copy or the total number of copies made.

Acton will reimburse Counsel for secretarial or staff overtime only if overtime is essential to handling a particular matter for the Town and, when such expenditures are significant, we have approved them in advance. Acton expects Counsel to manage work to avoid overtime costs. Counsel should not charge Acton for overtime hours while handling other client's matters throughout the scheduled work day and billing them at the normal rate.

TRAVEL TIME AND EXPENSES

Only in an unusual case can travel by more than one attorney be justified. Counsel should incur expenses in a reasonable and prudent manner.

If travel time is devoted to working for one or more clients in addition to Acton, your statement should reflect only the portions of travel time attributable to Acton. You should divide actual travel expenses among the clients served during a single trip.

Unless agreed to in advance, Acton will not compensate Counsel for time away from home or the office not spent actually working on the Acton matter.

FORM, TIMING AND CONTENTS OF STATEMENTS

Counsel should submit statements monthly. The Town Manager should receive the statement within 30 days of the end of the billing period.

The Town tracks legal costs for each matter being handled by Counsel. Accordingly, statements must provide the following information for each matter your firm is handling:

- The name of the Acton Board/Committee or unit involved in the matter;
- 2) The amount of fees, disbursements, and total charges
 - a) During the billing period; and
 - b) Cumulatively since the inception of the matter;
- A description of each task performed during the billing period including the name of the attorney or legal assistant performing the task and the amount of time spent (in increments no greater than one-quarter hour) on such task by each attorney or legal assistant;
- An itemization and brief description of disbursements and expenses incurred during the billing period, and the resulting total;
- 5) The Acton docket number, if one has been assigned to the matter; and
- 6) An employer identification number for the firm or social security number of the attorney performing the services.

Computer printouts are acceptable and may include additional typewritten information. In all cases, you should submit an original invoice, marked as such, together with one additional copy of the statement.

The Town expects that the firm's management or client partner

will review the billing statement and make reductions as appropriate before sending the statement to the Town.

Acton does not limit the number of hours that an attorney or legal assistant may bill in a single day. However, it has been seen that billable hours in excess of ten (10) hours in one day are often unproductive and should be avoided except during the trial of a particular matter or in extraordinary circumstances. Where practicable, work in excess of ten (10) hours a day should be discussed with the Town Manager.

Normal disbursements, such as filing fees, long distance telephone calls, travel costs, duplicating expenses, supplies, and other similar charges should be paid by the firm and itemized as a part of your periodic fee statements unless we agree to some other means of handling these particular items.

The Town Manager must approve any unusual or large expenditures costs (i.e., in excess of \$500.00) in advance. With the exception of travel costs, you should bill Acton for such expenditures on an invoice from your firm which is separate from your customary billing statement and supported with appropriate documentation.

Acton reserves the right to audit all billing statements and services performed by its Counsel. Counsel should retain supporting documentation in the event Acton requests it for audit purposes or otherwise.

EXPERT FEES

Counsel may not retain any expert or consultant without prior approval from the Town Manager.

In connection with your representation of Acton, you will likely incur obligations to third parties (i.e., fees of consultants or experts). Normally, invoices of this kind must identify Acton as the payor, be addressed to Acton, and paid by Acton. Situations will occur, however, when this procedure is not practical or desirable. If you and the Town Manager agree that you will pay such invoices, you should provide an invoice separate from your usual attorney's fee statement. The invoice should be supported with appropriate documentation.

MEDIA COVERAGE

Acton, through its elected officials and Town Manager will handle all contacts with the media. Counsel should avoid making statements to the media without securing advance approval from the Town Manager.

Counsel may disclose, without prior approval, his or her representation of Acton, and any basic facts which are contained in the public record. This exception also applies to administrative information routinely given as a courtesy to the press. Additionally, in rare instances, when an immediate response would prevent a distorted public perception, Counsel, without prior approval, may deny or refute statements made by other parties or their counsel to the news media, or respond to allegations by media representatives. In the latter case a full report shall be made to the Town Manager as soon thereafter as is practicable.



ACTON COMMISSION ON DISABILITY

NEEDS ASSESSMENT SURVEY
MAY 1993

INTRODUCTION

Advocacy for people with disabilities is a primary role of the Acton Commission on Disability. To support this function and to fulfill its state-mandated charter to monitor the needs of residents with disabilities the Commission conducts an annual needs assessment survey. The third annual survey was distributed to Acton households with the Town Census forms in December, 1992. The results of that survey are contained in this report.

The survey is designed primarily to identify the number of Acton residents with disabilities, the types of their disabilities and their needs in the community. Information obtained in this survey can be used to assist the Town and area businesses in planning to accommodate the needs of people with disabilities.

Senior citizens are not necessarily considered to be persons with disabilities. However, as people grow older there is an increasing probability that they will experience impairments in their ability to perform normal daily activities.

It is important that the Town of Acton be cognizent of the needs of persons with disabilities. The Town must be responsive to the needs of all its citizens. In addition to the legal requirements of accessibility, directed by the Americans with Disabilities Act of 1990 and the statutes of the Commonwealth pertaining to persons with disabilities, it is good business to make access easy for all.

A secondary but important function of the survey was to provide onformation for Civil Defense. The survey requests that those who would need help in case of an emergency indicate that need on the survey form.

Sixty-two town residents wrote comments on their forms. These comments have been channelled to the appropriate community agencies for consideration.

The Acton Commission on Disability will continue to respond to the needs of those Town residents with disabilities. Any person with a question concerning this report or related issues should contact the Commission at 263-0843.

NEEDS ASSESSMENT SURVEY

SUMMARY OF FINDINGS

- * Four hundred nine (409) survey forms were returned by Acton residents.
- * Three hundred fourteen (314) people reported having disabilities or limitations.
- * The largest number of reported disabilities were physical (168 or 43 %).
- * Hearing was identified by 108 respondants as a disability.
- * Among the respondents, 141 people reported mobility problems requiring the use of wheelchairs, walkers, crutches or canes.
- * The top five needs identified by people with disabilities were transportation, special education, social, accessibility, and recreation.
- * Handicapped parking spaces are often not available or inappropriately placed in shopping areas in the Town.
- * Certain shopping areas are difficult to access for people with mobility problems due to the lack of curb cuts, heavy doors, and cluttered aisles in stores.
- * People with hearing impairments have difficulty using public phones especially those placed out of doors in busy areas.

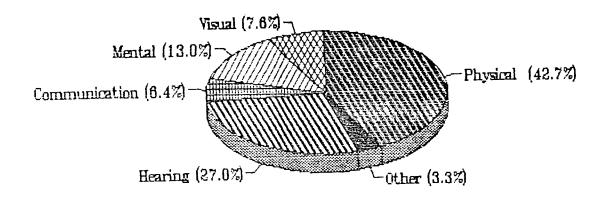
NEEDS ASSESSMENT SURVEY

STATISTICAL SUMMARY

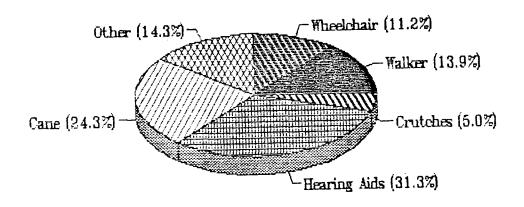
	1992	1991	1990
Total Surveys Returned Individuals with Disabilities (Reported on Census)	409 314	395 346	446 237
Town Population (Town Census) Senior Residents (60 and over)	18000 1935	17663 1898	17509 1852
*********	*****	*****	
TYPES OF DISABILITIES	1992	1991	1990
Physical Hearing Mental Visual Communication Other	168 106 51 30 25 13	180 98 39 25 19	109 66 25 25 14
*********	*****	*** **	
TYPES OF AIDS USED	1992	1991	
Hearing Aid(s) Cane Walker Wheelchair Crutches Other	81 63 36 29 13 37	79 83 38 33 12 36	
********	*****	*** **	
COMMUNITY NEEDS OF RESIDENTS WITH DISABILITIES	1992	1991	
Transportation Special Education Social Accessibility Recreation Employment Housing Church Participation TDD/TTY	56 48 39 27 25 20 19 9	61 41 46 40 38 25 26 9	

NEEDS ASSESSMENT SURVEY GRAPHIC SUMMARY

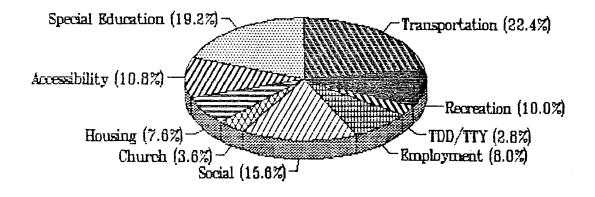
Disabilities



Aids



Needs



NEEDS ASSESSMENT SURVEY

SUMMARY OF COMMENTS

Several comments described problems with handicap parking spaces. Problems included inappropriate placement and unavailability in some apartment complexes.

Accessibility was cited as a problem in several business areas including the Acton Plaza and West Acton Village.

The lack of sidewalks in Acton was identified as a problem by a number of respondents.

Several comments were made on telephone problems especially the lack of volume controls on public phones.

The Acton Nursing Service and the Civil Defense were commended for their good work.

One respondent recommended that the Commission initiate a campaign to have businesses do a better job of cleaning snow and ice off their sidewalks. Such a program would help people with disabilities and might help to prevent the occurance of accidents resulting in disabilities.

NEEDS ASSESSMENT SURVEY

PLAN OF ACTION

The data collected in this survey leads the Acton Commission on Disability to recommend that:

- * The Commission continue to advocate for the needs of people with disabilities.
- * The Commission continue to assist the Town and area businesses in facilitating changes required by the Americans with Disabilities Act (ADA) and other statutes by offering training programs and consultation services.
- * The Town of Acton should publish its transition plan for compliance with the ADA in accordance with regulatory statutes.
- * That the Needs Assessment Survey be revised to elicit more precise and useful information.

The Acton Commission on Disability thanks all those who took the time to fill in the survey and to write comments.

Special thanks to Charles Mayo for creating data entry and analysis software.

MEMBERS OF THE ACTON COMMISSION ON DISABILITY

Walter Kiver, Chairman Louis Beauregard Joan Burrows, Associate Member Wayne Geehan Cary Hobson Connie Sue Ingram Edward Kelly Carol Lake, Town Liaison Mary Ellen Mayo

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 20, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Deputy Fire Chief

I am very pleased to announce the appointment of William Primiano as Deputy Fire Chief, effective May 30. Bill has been a member of the Acton Fire Department since 1975 and was one of the four individuals promoted to the position of Lieutenant when that rank was created in 1987.

Bill competed against candidates from all over New England and was the unanimous choice of the Interview Committee, the Fire Chief and myself. We will introduce Bill to the Board at the next opportunity.

cc: Fire Chief



FROM:

Abacus TECHNOLOGY CORPORATION



PHONE (617)275-5572 FAX (817)275-6578

DATE:	5/25/93	COVER +	4	PAGES
TO:	Dosé Hunter	TELEPHON	# 508	264-9612
	via Don Johnson	FAX# _	(508)	264-9630
CIID IEC	Comments to Se	lectre	Dore	Hurter
300356	IT: Comments to Se Prop 5/4/	osed po	licia l	-5, datad
COMME	Attached are	comp	ner \$5 \$	1 suggestion
re:	Selectments pr	proced	mie.	in 1-5.
7-10	lectmen.	py to	Dora	£'
	Thoubs.			
				
•	•			
FROM:	And Have	ghi		

ACTON FINCOM MEMO

To: Dore Hunter, Chairman, Bhard of Selectmen 93FIN047

From:

Page 1 of 4

Date:

Subject:

Comments on Selectmen's Proposed Policies 1 - 5, dated May 4, 1993.

Copies:

Don Wheeler, Lees Stuntz, Jean Butler, Don Johnson, Bill Ryan.

At its regular meeting on May 24, 1993, the Finance Committee discussed the subject proposed policies. The following comments, suggestions, and inputs are provided, as requested. We expect the process of determining and implementing new policies on a town wide basis will take some time, and certainly this could be one purpose of holding a joint meeting. I will be glad to discuss these inputs with you if you will give me a call, or if you set up a meeting.

Reply to Proposed Policy #1 - Town Meeting Budget Format

- 1. Agree to scrap the "Omnibus Budget Article" format.
- 2. Prepare a Town line items budget with nine or ten lines, one per major department. Organize the budget by department line items in one direction, and by object category in the other direction. An example of this matrix budget is shown in Table 1. The purpose of the department line items is to show the costs and balance for the departments. The purpose of the object categories is to provide a means for consistency across the departments, as for example, the need for consistency of salary and benefit package increases. A "menu" budget approach should not be provided, since our responsibilities are to make recommendations for consideration by the Town Meeting.
- 3. Once the budget is approved by the Town Meeting, the administration of this Town Budget would be on a "bottom line" administration basis, as determined by the Town Manager, except as follows. Changes from one line item to another (over the fiscal year) of more than 5% of the department line item budget or \$1,000, whichever is larger, would require the Selectmen's prior approval. Ouestion: Please describe the process we are now using of periodic review of actual expenditures versus budget or plan.
- 4. Additional exposure of the proposed budget or preliminary budget information will be made accessible to the town taxpayers by the Finance Committee holding at least two public budget hearings: one in October, November, or December; and one not less than two weeks prior to an override election or not less than two weeks prior to the Town Meeting if there is no override election. These public hearings should be televised.

93FIN047 5/25/90 Page 2 of 4

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....

Reply to Proposed Policy #1 (Continued)

5. There shall be two levels of budgets for presentation, as a minimum, to the town taxpayers. The first level is a consolidated Town of Acton income and expense budget, combining all town entities budgets for the coming year, on a gross income and gross expenses basis. The second level is a more detailed income and expense budget for each entity in the town, namely the Schools and the Town Municipal Government. This second level budget should be organized by line items, according to the example matrix shown in Table 1. The first and second levels budgets must reconcile and tie together, for easy understanding and explanation at public meetings. The Finance Committee will be responsible for preparation, with staff assistance, and presentation of the consolidated budget. The School Committee and Selectmen will be responsible for preparation and presentation of the second level budgets.

Reply to Proposed Policy #2 - Selectmen (or others) Comment on School Issues

- 1. Generally it seems like a good policy to not comment on one another entity's issues, unless there is a responsibility to do so.
- 2 Public comment by the Selectmen, or other groups, and the School Committee on each others issues may compound our current problems and be counterproductive to good working relationships.
- 3. A better approach might be to have a joint discussion and get a general understanding between the School Committee and Selectmen (or others) on the definition of when public comment might be acceptable and what courtesies to follow.

Reply to Proposed Policy #3 - Revision of Coordinating Committee Process

- 1. On a trial basis, go to an evening meeting for the Coordinating Committee. Consider the occasional Saturday morning meeting.
- 2. Schedule Coordinating Committee meetings and publish agenda in advance.
- 3. The Coordinating Committee is an ad-hoc committee with no authority or standing in the Town. Do not televise the meetings.
- 4. "Coordination" means to "coordinate", not to usurp responsibility and authority from other committees and individuals who might attend the Coordinating Committee. All people and groups should be invited to attend the Coordinating Committee meetings. If you want to have this committee make decisions and have formal responsibilities and authority, then it should be established as a standing town committee with a by law definition passed by the Town Meeting. As an informal group, the Coordinating Committee is like a "council" to provide a forum for discussing status, issues, and problems. Participating committees can have more input to make better decisions. Impasses and disagreements should be viewed as dialog to be considered by each of the participating committees, as communicated by their representatives. Paid staff should not be excluded.

93FIN047 5/25/90 Page 3 of 4

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....

Reply to Proposed Policy #3 (Continued)

- 5. Minutes of the meeting should be kept.
- 6. The School Committee, Selectmen, and Finance Committee, as major participants in the Coordinating Committee, should not be encumbered with the duties of Coordinating Committee Chairman for planning and presiding over the meetings, and for follow up. Therefore, it is suggested that the Town Moderator appoint a "Deputy" or "Assistant" to be the designated Chairman of the Coordinating Committee.
- 7. Limited public and non-major committees participation should be allowed and encouraged at the Coordinating Committee meetings.
- 8. Coordinating Committee representatives will take recommendations back to their respective committees where a position will be established by a majority vote. The Coordinating Committee position must be unanimous (one vote for the School Committee, one vote for the Selectmen, and one vote for the Finance Committee) to make the recommendation. A majority position by the Coordinating Committee will be carried back to the respective committees as an input, not as a recommendation. Consensus will not be used since the term is viewed to be ambiguous. A more detailed procedure will be developed to initiate and identify the steps to follow for conflict resolution.

Reply to Proposed Policy #4 - Article, School Budget Input by Town Meeting

1. Some action is needed in this area, but no other comment is offered at this time.

Reply to Proposed Policy #5 - "How Great We Are" Presentations

1. This is viewed as a political issue. Therefore, there is no recommendation.

93FIN047 5/25/90 Page 4 of 4

Comments on Selectmen's Proposed Policies 1 through 5, dated May 4, 1993.....

Table 1. Example Town Budget Matrix

			Object Category				
Line Item	Department	Department Total	Salaries and Benefits	Contracted Services	Capital Equipment	Supplies and Materials	Debt and Service
1.	Administrative						
	Accounting						
	Assessors						
	Clerk						
	Finance						
2.	Ageing						
3.	Building Dept.						
	Engineering						
	Muni. Prop.						
	Planning						
				,			
4.	Cemetery Dept.						
5.	Conservation						
6.	Fire						
7.	Health Dept.						
	Health						
	Public Health						
8.	Highway Dept.						
							· · · · · · · · · · · · · · · · · · ·
9.	Police			·			
10.	Libraries Dept.						
IU.	TOTAL						-
	IUIAL						

MAY 21, 1993

TO:

Board of Selectmen

FROM:

DORE' F. HUNTER, Chairman

SUBJECT: SI

SELECTMEN'S REPORT

AGENDA

ROOM 204

7:30 P.M.

May 25, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:31 BOSTON EDISON Request for Conduit at Main Street at Nylander's Way.
- 2. 7:45 CLASS II LICENSE Bruschi Motors 72 Washington Drive -Enclosed please find the application and staff comment for Board action.
- 3. 8:00 JEAN SIFLEET Enclosed please find materials regarding Ms. Sifleet's request for construction of sidewalks on School Street for Board review and discussion.
- 4. 8:30 PLANNING BOARD The Planning Board will be present to discuss on-going litigation.

III. SELECTMEN'S BUSINESS

- 5. Triple A Liquor License Appeal Attached find the notice from ABC along with staff letter to Counsel.
- 6. Memorial Day Activities Please note that the board will need to designate a representative.
- 7. CELLULAR ONE SITE PLAN AMENDMENT Please see enclosed materials, the Town Manager will seek board guidance or action at the meeting.

IV. CONSENT AGENDA

8. Accept Minutes May 4, 1993- Enclosed please find Minutes for Board approval.

- 9. BETSY BALL FUND Enclosed please find a request for funds from the fund for Board action.
- 10. CML GROUP See enclosed staff recommendation regarding landscaping.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

An Executive Session will be required.

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

JUNE 8 - (begins after 8:00 due to Election)
Recycling Task Force Report
JUNE 22 - Mobil Oil

793 acs

5/25/93_

Boston Edison Conduit and Manholes Installation

NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 25th day of May, 1993, at 7:31 P.M., o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

Main Street - easterly approximately 75 feet southeast of Central Street. A distance of about 8 feet - conduit.

BOARD OF SELECTMEN

Form 518D 648ACS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 5/17/93

TO:

Board of Selectmen

FROM:

Engineering Department

SUBJECT: Boston Edison Petition - Main Street

We have reviewed the petition for the location referenced above and we have the following comments.

This petition is for the installation of a conduit to provide underground electrical service to the Mill Corner housing development which is currently under construction.

We do not foresee any problems with the proposed installation of this conduit.

[.93*207]

15 Blandin Avenue Framingham, MA 01701

May 7, 1993

Board of Selectmen Town Hall Acton, MA 01720

RE:

Nylanders Way

Acton, MA

Work Order #658836

Dear Members of the Board:

The enclosed petition and plan is being presented by the Boston Edison Company for the purpose of obtaining a Grant of Location install approximately 8 feet of conduit at pole 31/56X Main Street, Acton.

This work is necessary in order to provide overhead/underground electric service to a new subdivision on Nylanders Way, Acton.

Your prompt attention to this matter would be greatly appreciated. If you need any further assistance, please contact Christine Cosby at (508) 370-4812.

DJD/rbb Enclosures

Very truly yours,

Denis Deagle - Supervisor Rights, Permits & Survey

Western District

5/25/93

TOWN OF ACTON NOTICE OF HEARING

Notice is hereby given that the Board of Selectmen will hold a public hearing in its office at the Town Hall on Tuesday, May 25, 1993 at 7:45 P.M. on the application of David E. Bruschi, d/b/a Bruschi Motor Works, for a Class II Dealer's License at 72 Washington Drive, Acton, MA.

NANCY E. TAVERNIER
F. DORE' HUNTER
ANNE B. FANTON
NORMAN D. LAKE
WILLIAM C. MULLIN
BOARD OF SELECTMEN



TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

DATE: April 12, 1993

TO:

Don P. Johnson, Town Manager

FROM:

Garry A. Rhodes, Building Commissioner

SUBJECT:

Class II License, 72 Washington Drive

This property is zoned residential. The zoning bylaw allows for a home occupation conducted entirely within the dwelling unit or at an accessory building by the resident. It is my opinion that as long as no vehicles are displayed at this location, this would be permitted. The Board should be sure that sales are not conducted at this location or on another property.

THE COMMONWEALTH OF MASSACHUSETTS

Town of	Acton
---------	-------

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a
1. What is the name of the concern? Bruschi Mortor Works
•••••••••••••••••••••••••••••••••••••••
Business address of concern. No. 72 Washington DR. St., Acton, MA City — Town.
2. Is the above concern an individual, co-partnership, an association or a corporation?
3. If an individual, state full name and residential address.
David Enrica Bruschi 72 Washington DR. Actor, MA. 01770
4. If a co-partnership, state full names and residential addresses of the persons composing it.
5. If an association or a corporation, state full names and residential addresses of the principal officers.
President
Secretary
Treasurer
6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? .y
If so, is your principal business the sale of new motor vehicles? NO
Is your principal business the buying and selling of second hand motor vehicles? 1.5
Is your principal business that of a motor vehicle junk dealer? . NO

7. Give a complete description of all the premises to be used for the parties an applies for a number of splay license a	
Acton	
•••••••••••••••••••••••••••••••••••••••	
•••••	
•••	
8. Are you a recognized agent of a motor vehicle manufacturer? .N	
If so, state name of manufacturer	
9. Have you a signed contract as required by Section 58, Class 1? .	٧٥
10. Have you ever applied for a license to deal in second hand motor v	ehicles or parts thereof? (Yes or No)
If so, in what city — town	
Did you receive a license?	For what year?
11. Has any license issued to you in Massachusetts or any other state	e to deal in motor vehicles or parts
thereof ever been suspended or revoked? . NO (Yes or No.)	
•••••	
•••••••••••••••••••••••••••••••••••••••	
Sign your name in full. David English	or Bruschi o represent the concern herein mentioned)
Residence 72. Wash	ington DR. Acton

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

5/25/93

Jean D. Sifleet

5 Sandy Drive Acton, MA. 01720

March 22, 1993

Anne Fanton, Selectman

Don Johnson, Town Manager

Town of Acton

472 Main Street

Acton, Ma. 01720

Re: Proposal for Sidewalks on School Street

Dear Mrs. Fanton and Mr. Johnson:

With the advice and assistance of the Engineering Department, I have written to the owners of the property on both sides of School Street between Piper Road and Sandy Drive and inquired whether they would support the construction of sidewalks.

In response to this mailing, we have received 15 written responses and numerous phone calls. Of the 15 written responses, 12 support the construction of sidewalks, and 3 express concerns/questions such as: about how much land would be needed; what would be the impact such as shrinking the front lawn?; which side of the street the sidewalk would be on?; and how it would be paid for? Attached is a mailing list and a summary of the responses. If you are interested in reading the original letters, please let me know.

The telephone calls have a similar flavor, mostly supportive with requests for further information about what will be done and when.

Also attached are two Petitions, one from parents and the other from kids, in the Sandy Drive & South Acton area.

I hope you'll find this sufficient evidence of support for the construction of sidewalks on School Street to:

- 1. authorize the Engineering Department to proceed with the work of planning the construction of this sidewalk; and,
- authorize a fund for citizen contributions specifically assigned to this project.

Thank you for your consideration.

Sincerely

Alen Hux Jean D. Sitleet James & Judith Kotanchik 48 Nashoba Rd. Acton, Ma. 01720

James & Doreen Cahill 185 School Street Acton, Ma. 01720

Harold Tinseth 181 School Street Acton, Ma. 01720

Helen McLean 177 School Street Acton, Ma. 01720

Ranasastry Satyaprasad 29 Cresthaven Drive Burlington, Ma. 01803

> D Chamberlain & P Fitzgerald 157 School Street Acton, Ma. 01720

Helen Young 6 Dix Road Maynar, Ma. 01754

Irene Young 141 School Street Acton, Ma. 01720

Charles & Susan Carlson 145 School Street Acton, Ma. 01720

Isabel D. Carvalho 135 School Street Acton, Ma. 01720

Peter & Mabel Zayka 133 School Street Acton, Ma. 01720

Roger & Eleanor Howison 129 School Street Acton, Ma. 01720

Donald & Susan Ulsch 125 School Street Acton, Ma. 01720 happy L provide technial assistance

Paul Walsh & Cynthia D'Onofrio

204 School Street
Acton, Ma. 01720

Wants sidewalk on Pipeil Sandy Drive side of Street

Charles W. & Doris M. Smith 200 School Street Acton, Ma. 01720

Donald & Esmella Cohen 200 School Street Acton, Ma. 01720

Robert & Mary Jane DeSaro 196 School Street Acton, Ma. 01720

Rufeh, Firooz, Heidi-Marie 185 Hunter Ridge Road Concord, Ma. 01742

Stanley & Helen Marchochi 186 School Street Acton, Ma. 01720

Charles & Patricia Francisco RR#1 Box 455 Edgartow, Ma. 02539

Silvia Lichtensteiger 178 School Street Acton, Ma. 01720 libes ratural look deen dot want sidewalks

Margaretta & Gunars Elmuts 100 Stoney Gate Carlisle, Ma. 01741

Philip Pagliazzo, Jr. 32 Jones Road Waltham, Ma. 02154

William & Mary Tsacoyeanes 7 170 School Street . Acton, Ma. 01720 hu nece land impacted? which side? squared rail? when?

Edmund & Yuko Reilly
Acton Real Estate Co, P.O. Box 235
Acton, Ma. 01720

Helen Ray 154 School Street Acton, Ma. 01720

Louise too close & skreet?

Margaret Boyer 146 & 148 School Street Acton, Ma. 01720

Neal & Jean Butler 144 School Street Acton, Ma. 01720

Estate of Harris Schofield 125 School Street Acton, Ma. 01720

James & Elsie Hancock 13 Lilac Court re: School Street Acton, Ma. 01720

Rocco & Merle Bombardieri 4 Broadview Street Acton, Ma. 01720

Paul & Kathleen Grask
122 School Street
Acton, Ma. 01720

whole heartedly support!

Barbara Motley
114-120 School Street
Acton, Ma. 01720

worried about der Elm true

Herbert Sawyer 1 Lilac Court Acton, Ma. 01720

Albert & Patricia Lawrence 1 Piper Acton, Ma. 01720

Mathew & Jane Kontoff 205 School Street Acton, Ma. 01720 great! Should go all the way L Parker or Heritage. How long?

Roland & Jane Johnson 201 School Street Acton, Ma. 01720

Florence Watkins
197 School Street
Acton, Ma. 01720

should be paid for by taxes.

Patrick & Jeanne Micozzi
193 School Street
Acton, Ma. 01720

William & Mary McDonald 5 Chadwick Street Acton, Ma. 01720

Thomas Motley 115 School Street Acton, Ma. 01720

Belle L. Hinkley 109, 111-113 School Street Acton, Ma. 01720

Paul & Susan Master-Karnic 105 School Street Acton, Ma. 01720

C Berlied & C Heyner 95 School Street Acton, Ma. 01720

sidewalks sorrly reded

Sidewalks for School Street

We support extending the sidewalk on School St. from its current end point at Piper Rd. to meet the sidewalk in West Concord.

Name:	Address:	Phone:
Glav D. Sylvix	5 Sendy Dr., Acton	263-5440
Williand Aflect	5 SANDY ON ACTO	w 763-5440
Mary St. Cots	50 Maple Street	263-0994
Richald 18	50 Maple Street	263-0494
Donna Ethelly	3 Sandy Ken-	2134787
Gava Jaffe	8 Sanda IL	2630898
Matt Jaffe	8 Sanda Dr.	263 0898
Lane kelly	10 Sandy m.	263-4021
Bue Kerly	10 Landy De	263-4024
Life for	6 Condidor Cane	263-1037
Chiate Whan +	6 Candida lane	263-1037
Glaine Molineaux	I Candida Cone	264-0001
Saymon & Machach	316 Nogog Hill Road	635-9381
Judy Michalowicz	4 Sandy Dr.	264-4882
Al Willeli	4 Sal Dr	2644882
/		

Sidewalks for School Street

We support extending the sidewalk on School St. from its current end point at Piper Rd. to meet the sidewalk in West Concord.

Name:	Address:	Phone:
· Catherine of Ut	50 Maple St. Acton	7630994
> Stacy Siflect	5 Sandy Dr. Actor	203-540
3 Ling O D die	to 23 Monaur d	Ciaron 264-4185
4 Som Sifled	5 Sandy D	<u>vactor</u> 263-544C
5 Debbre Machace	/I *	Rd Actor 635-938
6 Shiri Jable	8 Sandy dr. 1	A
7 - Tali Jaffe	9 11 "	· //
8 2000	Seffect 5 sands	, Dr , Acton 263 5440
9 Michael-Ke		263-4024
" Frin Phillip	os 3 Sandyda	635-9787
11. Elic Phillips		
Va tracery Liegris		h
13 rda see	Filst b Candrak Cano	263-1037
il Sanide Golina		7000-1-25
15 Lesley Molineal		264-000/
4) Jud		·

CONFIDENTIAL D

FOR DISCUSSION IN EXEC SESSION 5/25.

May 19, 1993

TO:

Board of Selectmen and Planning Board

FROM:

Anne Fanton

SUBJECT:

Decision on Appeal of Land Court Decision on DiDuca

After lengthy discussions with Don Johnson and Roland Bartl, during which we received further advice from Mike Callahan, it seems that there are several reasons both for and against proceeding with the appeal. In the interest of facilitating our discussion on May 25, I am providing a list of the pros and cons, pro being for continuing with the appeal and con being against the appeal:

PRO	CON
Others may be encouraged to take legal action if we do not appeal. Even though it is a lower court decision, to the general public, it is still a court decision. Our acceptance of it implies acceptance of the statements made within it.	Mike says that courts do not place much emphasis on lower court decisions. A higher court decision is much more likely to be used as "case law."
The Land Court decision reestablished General Business zoning for this property; thus it becomes "spot zoning."	We could ask Town Meeting to rezone the property to Limited Business. Judge Sullivan seems to suggest this option.
Under General Business zoning, there is no need to develop within the 8-year protection provided by the subdivision plan. Parcels are likely to be sold one at a time, and "maxed-out" in individual site plans with multiple curbcuts.	The proposed subdivision includes a subdivision road. Some of the parcels access Esterbrook Rd., reducing the number of potential curbcuts.
) ·	Mike says that in an appellate court review "the finding of facts" can generally not be reversed, just "findings of law." Her facts are not wrong, just incomplete as far as we're concerned. Her decision is written in this way to make it more difficult to overturn.
We have a better chance of winning in Superior Court. Land Court is less favorable to towns.	It is questionable how much we would "win" since, due to grandfathering protection on this property, it will be developed commercially whether we win or lose (the zoning issue.)

We could "win" some of the subdivision conditions set by the Planning Board.	We could "lose" the ability to get off-site improvements (eg. traffic lights), not only for this property, but also for others where we have negotiated for them. This could become "the" case that sets case law on the issue of "off-site" improvements.
It is important to appeal to confirm that collectively, there was a planning basis for all our zoning changes, most importantly in this case, traffic.	I can't think of any.
It will be much less expensive to appeal than to take on the next case from scratch.	If we lose the appellate decision, it is more likely that there will be more cases.
At least two properties on Rt. 2A, north of Rt. 27, though smaller, could make similar cases (as well as any of the properties that were downzoned, eg. Nagog Park.)	We could decide not to appeal on the basis that there is little to "win" in this case (since the DiDuca's property is grandfathered) and on the basis that this property was the only one rezoned from commercial to single family residential, south of 27 where most of the parcels are developed commercially or as multi-family; (i.e that this property is unique.)
We may get support, in the form of an Amicus Brief, from the American Planning Association, and possibly other letters of support, eg. from MAPC. Judge Sullivan made note of the fact that the Town called only one witness.	Again, if the case is lost, we magnify its potential use in others. MHD might help by requiring some off-site improvements and access via the subdivision road (for some parcels), if the property is developed as currently proposed.

SENT BY:P + D 5

; 4-16-89 ;12:09PM ;

PALMER & DODGE-

508 264 26000,# 2

Confidential

PALMER & DODGE

One Beacon Street Boston, Massachments 02108

Achoson H. Callaghan, Esq. (617) 573-0178

Telephose: (517) 573-0100 Facatralia: (517) 227-4420

April 16, 1993

BY PAX

Mr. Roland Barti Town Planner 472 Main Street Acton, MA 01720

Dear Roland:

(Confidential & Privileged)

CC: BOS

I spoke with the Board of Selectrical about the DiDuca case on Monday night after the town meeting, before I received your memo to the Planning Board, and I wanted to comment on a number of aspects of the memo.

First a technical point: the alternative court to which we would appeal is the Supreme Judicial Court not the Superior Court, but what you say about the timing and jurisdiction of the Appeals Court and the SJC is substantially correct. Secondly, I do not anticipate that the appeal would cost anything like the cost at the trial level. What is involved is the submission of a brief, and possibly a request for direct review by the SJC. Most of the legal work for the brief has been done. The only other cost would be the cost of reproducing the record for the appellate court, which would not be negligible in this case, but would not be overwhelming either.

Third and most importantly, I do not take such an apocalyptic view of the effect of the decision as you suggest. I agree entirely in your analysis of the deficiencies of the Land Court decision, and I think that the case might be important for both Acton and other towns, if the appellate court addresses those issues. But the court may not do so. As I said to the Selectmen, the decision deliberately ignores most of the facts that you cite. That makes it much harder to persuade an appellate court to reverse it, because the decision looks reasonable on its face. For example, Judge Sullivan does not say there are no residential uses along Great Road, because that would be an obvious error. Instead, she says that the parcel is located next to a Toyota dealership, which is correct. The crux of the matter, as you point out, is a question of focus: what are the relevant facts and considerations in a case

April 16, 1993

Page 2

of this kind. Do you look at the Town's goals for the whole Route 2A strip or only at the immediate vicinity of the DiDuca parcel?

That same question of focus also affects any judgment about the impact of the decision on other aspects of the rezoning. If you focus as narrowly as Judge Sullivan did, you can argue that the decision should have no impact, because there is no other large piece of land south of Route 27 that was rezoned R-8. Even if you look more broadly at the whole Route 2A strip, however, I think the decision might have an impact only on the parcels that were put in a residential district. I do not think it casts doubt on the validity limited business rezoning or the village district zoning. Indeed she strongly implies that limited business would be appropriate zoning for the DiDuca parcel. The Selectmen are interested in a summary from you of the location and classification of the other parcels that were put in a residential district.

Two other related points are relevant to the issue of the impact of the decision. Pirst, I agree it may embolden some land owners to object to other provisions of the zoning they do not like. But, a challenge to the validity of any zoning by-law is still a difficult undertaking. We have to try to make a realistic judgment of the likelihood of such a challenge in current economic conditions, when few people can afford to do any development. Second, an appeal raises the stakes on both sides. An appealate decision, pro or con, will inevitably have a greater impact than the present decision.

Very truly yours,

Acheson H. Callaghan

Mike

AHC/dcb

cc: Don Johnson

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 21, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: DiDuca

The Planning Board will be in to discuss this case with you Tuesday night. You may recall receiving a copy of the decision about a month ago. It is substantial in size so we have not included additional copies in this packet. We have a copy available in the office if you wish to review it prior to the meeting.

da

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 21, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: DiDuca

The Planning Board will be in to discuss this case with you Tuesday night. You may recall receiving a copy of the decision about a month ago. It is substantial in size so we have not included additional copies in this packet. We have a copy available in the office if you wish to review it prior to the meeting.

Dan

TOWN OF ACTON 472 Main Street Acton, Massachusetts 01720 Telephone (508) 264-9612 Fax (508) 264-9630

5|25|93 (5)

Don P. Johnson Town Manager

May 20, 1993

Mr. Norman Cohen
Palmer & Dodge
One Beacon Street
Boston, MA 02108

RE: TRIPLE A SUPERMARKET, Inc.

Beer and Wine Package Store License

Dear Norm:

Enclosed please find a copy of the notice of hearing received today regarding the Board of Selectmen's denial of a Beer and Wine Package Store License to Triple A Markets.

I have enclosed a copy of pertinent information from the file. Please call Don Johnson or me at your earliest convenience to discuss who needs to attend this appeal hearing on June 16th on the Town's behalf. Feel free to contact me if you require any further information for your review.

As a side note, the Board denied a similar request from Purity Supreme Supermarkets located on Powdermill Road approximately 7-10 years ago.

Very truly yours

Town Manager's Office

cc: Don Johnson

Board of Selectmen



The Commenus cells of Massachusells The Alcoholic Bowerages Control Commission 20193 Lecent Taltenstell Building Government Center 100 Cambridge Street Boston MA 02202-0002

TELEPHONE: (617) 727-3040 FAX: (617) 727-1258

NOTICE OF HEARING (APPEAL)

Triple A Supermarkets, Inc. 248 Great Road Acton, MA 01720

You are hereby notified that your appeal will be heard by the Commission on:

WEDNESDAY, JUNE 16, 1993 @ 9:30 A.M.

in Room 2203, 22nd floor, the Saltonstall Building, 100 Cambridge Street, Boston, MA.

APPEAL FROM THE ACTION OF THE LICENSING BOARD OF: The Town of Acton in denying the application of Triple A Supermarkets, INc. for a beer and wine package store license.

Hearings are held pursuant to M.G.L. C.138, C. 30A and 801 Code of Massachusetts Regulations, s.s 1.02 and 1.03. You may appear on your own behalf or with your attorney. Hearings are tape recorded. Pursuant to M.G.L. C.30A, S11 (6) written transcripts will be furnished if requested in writing with tender of payment. You may arrange for your own stenographer. Reports, if any, concerning the violations charged may be examined and copied at the Commission's office, (Room 2204).

NOTE: It is important that licensees and those interested in this matter attend the hearing to present evidence and testimony. The Commission, in some cases, has the power to suspend, modify, revoke or cancel licenses.

DATED at Boston, Massachusetts this 14th day of May 1993.

Peter J. Connelly Executive Secretary

cc: Licensing Board /
J. Gavin Cockfield, Esquire

5/25/93 5/20/93 6

Don Johnson,

I made distribution of the enclosed today.

Note that the committee does not have
names for the Clergy, The Grand Marshall
and a Selectman to read the list of
deceased veterans. The committe would
welcome suggestions for the Grand Marshall.

Distribution list attached.

Ken Klemmer, 263 - 3245

MAY 2 0 scho

Acton's Observance of Memorial Day 1993 will be on 31 May 1993

The parade will leave the High School parking lot at 10:00 AM and will proceed via Hayward Rd, Main Street to Acton Center; and then via Concord Road to Woodlavn Cemetery.

There will be ceremonies at Acton Center and at Woodlawn Cemetery, and will conclude about noon.

Earlier in the day, Decorating Parties will go directly to each of the sites listed below for their individual ceremonies. The Decorating Parties will consist of Wreath Bearers, the Firing Squad from the Acton Minutemen, Girl Scouts, Boy Scouts, Bugler from the Acton-Boxborough Band, and a member of the Clergy from the Acton Religious Community:

8:45 A.M. - North Acton Cemetery

9:15 A.M. - Mt. Hope Cemetery, West Acton

Time

8:45 A.M. - Edwards Square, West Acton

9:15 A.M. - Quimby Square, South Acton

All the Cemeteries will be opened to pedestrians as well as vehicles on both Sunday and Monday all day.

ALL ARE WELCOME TO PARTICIPATE!

By the Memorial Day Parade Committee.

Questions? Call

Rich Miller 263-5995 Ken Klemmer - 263-3245 Bob Warner - 263-3678

PARTY NO. 1

MARSHAL'S INSTRUCTIONS

8:45 A.M. - North Acton Cemetery - Quimby Square, South Acton

MARSHAL: Colonel Robert Werner - Acton Minutemen

COLOR GUARD: Acton Minutemen

Please do not start before the stated time.

After the assembled groups have been called to order by their respective group commanders and ordered to attention, the Marshal will take charge and give the following orders:

MARSHAL:

Parade Rest

MARSHAL:

Rev. _____ representing the Acton Religious

Community will offer the prayer of Invocation at North Acton.

CLERGY:

Prayer

MARSHAL:

North Acton 8:45AM

A wreath will be placed in honor of all Veterans who are buried in this cemetery. The wreath will be placed by representatives of the Boy Scouts and Girl Scouts.

CLERGY:

Rev. _____ representing the Acton Religious

Community will offer the prayer of Invocation at South Acton.

MARSHAL:

Quimby Square 9:15 AM:

A wreath will be placed in honor of Howard Quimby, who died in the first World War. A floral spray also will be placed on Fort Pond Brook in memory of all those veterans, Coast Guardsmen, and Merchant Seamen who died at sea in time of

war.

MARSHAL:

Parade Attention - Present Arms

MARSHAL:

Minutemen - Fire Three Volleys

ABRHS BAND:

Taps

MARSHAL:

Remarks Order Arms

NOTE: In dismissing the party at Quimby Square, the Marshal should give instructions for all units to fall out and report to the High School Parade Formation as soon as possible. Parade leaves at 10:00 A.M. sharp.

PARTY NO. 2

MARSHAL'S INSTRUCTIONS

8:45 AM - Mt Hope Cemetery, West Acton - Edwards Square, West Acton

MARSHAL: Paul Hoff, Troop I, BSA

COLOR GUARD: Troop 1, BSA

Please do not start before the stated time.

After the assembled groups have been called to order by their commanders and ordered to attention, the Marshal will take charge and give the following orders.

MARSHAL:

3.

Parade Rest

MARSHAL:

Rev. representing the Acton Religious Community, will offer the prayer of Invocation.

CLERGY:

Prayer

MARSHAL:

8:45 A.M. at Mt. Hope Cemetery. A wreath will be placed at the Civil War Memorial in honor of all Veterans buried here.

MARSHAL:

representing the Acton Religious

Community will offer the prayer of Invocation.

CLERGY:

Prayer

9:15 A.M. at Edvards Square. A wreath will be placed in honor of Sidney Edwards, who died in the first World War.

MARSHAL:

Parade Attention - Present Arms

MARSHAL:

Minutemen - Fire Three Volleys

ABRHS BAND:

Taps

ABRHS BAND:

Taps Echo

MARSHAL:

Order Arms

NOTE: In dismissing the party at West Acton, the Marshal should give instructions for all units to fall out and report to the High School Parade Formation as soon as possible. Parade leaves at 10:00 A.M. sharp.

MARSHAL'S INSTRUCTIONS - PARADE

M	Δ	R	S	и	Δ	Ť.	٠
	п		u	11	_		•

ACTON CENTER

After the assembled groups have been called to order by their respective group commanders and ordered to attention, the Marshal will take charge and give the following orders:

MARSHAL:

Parade Rest

Greetings by Rich Miller & Introduction of Parade Marshal

Introduction of Guests & Remarks by Parade Marshal

MARSHAL:

Rev. _____ representing the Acton Religious

Community will offer the prayer of Invocation.

MARSHAL:

Announces Decorating Parties to place wreaths at the Spanish

American War Monument; Civil War Memorial; World War I Memorial; the Acton Monument and the World War II-Korean

War-Vietnam War Memorial Bench.

MARSHAL:

Decorating Parties proceed to Place Wreaths at Monuments

ABRHS BAND:

Will play the Navy Hymn

Decorating Parties Return to Stand

MARSHAL:

Attention. Present Arms.

MARSHAL:

Minutemen - Fire Three Volleys

ABRHS BAND:

Taps

ABRHS BAND:

Taps Echo

MARSHAL:

Parade Rest.

MARSHAL:

Introduces Honored Guests,

MARSHAL:

Speak about placement of wreath at grave of Corporal

Nathaniel Allen, Congressional Medal of Honor winner.

MARSHAL:

Parade will now reform and proceed to Woodlavn Cemetery.

MARSHAL'S INSTRUCTIONS - PARADE

Acton Center to Woodlawn, Concord Road

WOODLAWN CEMETERY

After the parade is halted and in its proper formation, the ceremony is ready to commence.

MARSHAL:

5. '

Parade Rest

MARSHAL:

Rev. _____ representing the Acton Religious Community, will offer the prayer of Invocation.

CLERGY:

Prayer

MARSHAL:

_____ who will read the list Introduces Selectman ___

of veterans that died in the past year

MARSHAL:

Wreath Bearers to the stand.

A wreath will be placed in memory of all veterans buried

here.

MARSHAL:

Parade Attention - Present Arms

Minutemen - Fire Three Volleys

ABRHS BAND:

Taps

ABRHS BAND:

Taps Echo

MARSHAL:

Parade Rest

MARSHAL:

- Here the Marshal may make any remarks that he so desires.

- Chairman of the Public Ceremonies will make any remarks, if

necessary.

CLERGY: , representing the Acton Religious Commnity,

will offer a prayer of Benediction.

As is the custom on Memorial Day, the flag, which has been at half-staff, will now be raised to full-staff. MARSHAL:

MARSHAL: Parade Attention.

> Band will play the National Anthem as the flag is The

raised.

Parade Dismissed. MARSHAL:

THE ORDER OF MARCH FOR MEMORIAL DAY - MONDAY, May 31, 1993

High School Parking Lot Parade Forms 9:30 AM Leaves 10:00 A.M. SHARP

FIRST DIVISION

Unit #1	Chief of Police in Cruiser
Unit #2	The Grand Marshal
Unit #3	The Marshal's Aides
Unit #4	The Colors and Color Guard
Unit #5	The Honorable Selectmen The Town Manager The Clergy
Umit #6 Unit #7	Acton Elementary School Band Colors - Acton Minutemen
Unit #8	Davis Blues
Unit #9	The Acton Minutemen
Unit #10	Veterans of the Army Navy, Marine Corps, Coast Guard, Air Force
	•

Unit	#11	Explorer	Scouts
CHIL	11 1 1	CAPIOLCI	JC04 C3

SECOND DIVISION

Unit #1	Colors - Acton Firemen				
Unit #2	Acton Fire Department				
Unit #3	Acton Junior High School Band				
Unit #4	Acton Little League				
Unit #5	Girl Scouts				
Unit #6	Brownie Scouts				
Unit #7	Campfire ?				
Unit #8	Boy Scouts				
Unit #9	Cub Scouts				
Unit #10	The Acton-Boxborough Regional High School Band				

TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

DATE: May 20, 1993

TO:

Don P. Johnson, Town Manager

FROM: SUBJECT: Garry A. Rhodes, Building Commissioner Amendment Site Plan Special Permit #12/15/89-319

Cellular One is requesting that the above referenced site plan be amended so as to increase the existing tower from 100 feet to 150 feet plus whip antennas. They are also intending to add a 30x22 unmanned equipment building.

The site plan decision provides for amendments. Condition 4.6 reads as follows:

> AMENDMENT TO PERMIT. The Board hereby reserves its powers to modify or amend the terms and conditions of this Special Permit upon its own motion or on the application of the owner, lessee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and with the terms of this permit.

I have reviewed this issue with staff and there appears to be two issues: (1) erosion, and (2) groundwater infiltration. It is our recommendation that if the Board approves this amendment, that a site inspection be conducted after completion to ensure all slopes have been stabilized. Second, that a stone trench be placed around the building so that roof runoff will be infiltrated into the ground.

If the Board of Selectmen grant this amendment, the rules provide for a \$250 fee. I have taken the liberty of drafting the proposed change.

(202)



FREDETTE ASSOCIATES, INC.

PROPESSIONAL ENGINEERS AND LAND SURVEYORS

389 Main Street • Salem, New Hampshire 03079 • (603) 893-7497 • FAX (603) 898-3991

May 20, 1993

Mr. F. Doré Hunter, Chairman Board of Selectmen Town Hall Acton, Massachusetts 01720

RE: Cellular One

Great Hill, Acton, Massachusetts

Dear Mr. Hunter:

On behalf of Cellular One, I respectfully request that the Board of Selectmen amend a previously granted site plan special permit in accordance with Section 5.12 of the Town of Acton Rules and Regulations for Site Plan Special Permits.

On December 15, 1989, the Board of Selectmen granted a site plan special permit to NYNEX Mobile Communications for the construction of a mobil communication tower and to use such for a public utility. The permitted structures were built and the site is currently operational.

Cellular One proposes a joint use of the existing facility; an expansion of the tower increasing its height to approximately 150' (currently it is 100' high); and construction of an additional 21' x 30' precast concrete building.

The proposed facility will be unmanned and therefore will not require any water or sewer utilities. Personnel will be on site for routine maintenance about once or twice per month. An existing gravel drive will be used to access the site on top of Great Hill.

At their May 3, 1993 meeting, the Board of Appeals granted a variance to permit the Cellular One proposal.

We now request that the site plan special permit be amended. The amendment is not significant to public interest and it is consistent with the purpose and intent of the Acton Zoning By-law.

Mr. F. Doré Hunter, Chairman May 20, 1993 Page 2

We trust that you will find our information complete and we appreciate your consideration of this permit request.

Sincerely,

PREDETTE ASSOCIATES, INC.

George R. Fredette, P.E.

GRF/jml

cc: Acton Water District

Dave Burnett Louis Levine Brian Powers

AMENDED DECISION

Site Plan Special Permit		
Nynex Mobile Communications		
#12/15/89-319	Page 1 of 2	
************************************	*******************	

Amended decision of the Board of Selectmen on the petition of Cellular One for the property located at 211 Main Street, Acton, Massachusetts owned by Acton Water District.

This amended decision is in response to a request by Cellular One as outlined in a letter dated May 20, 1993 from Fredette Associates addressed to Mr. Hunter signed by George R. Fredette P.E.

The Board of Selectmen, after reviewing the request, finds that this amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylaw and with the terms of the original permit.

The Board of Selectmen restates that decision #12/15/89-319 remains in full force and effect with the benefits of the following conditions:

- a sife inspection be conducted after the site is completed to ensure that all disturbed slopes are stabilized. The Petitioner shall take all corrective action to ensure such;
- 2. the plan shall be amended to show a 2 foot wide stone trench around the building for roof runoff.

Witness our hand this day of

F. Dore	Hunter,	Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Amended Decision of the Board of Selectmen.

Christine Joyce, Recording Secretary

Date filed with Town Clerk

Catherine Belbin, Town Clerk

AMENDED DECISION

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Amended Decision of Cellular One has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

cc: Petitioner - Certified Mail #

Building Commissioner

Planning Board Engineering Conservation

Municipal Properties

Board of Health

Town Clerk

Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle, Boxboro, Stow, Sudbury

Page 1 of 6 March 13, 1990

DECISION

Site Plan Special Permit NYNEX Mobile Communications Application # 12/15/89-31¶ Plan Pile # 3234

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of NYNEX Mobile Communications (hereinafter the Petitioner), for the property located at 211 Main Street, Acton, Massachusetts owned by Acton Vater District. Said property is shown on Acton Town Atlas Map G-2, parcel 139.

This decision is in response to an application submitted to the Board on 12/15/89 by the Petitioner for a Site Plan Special Permit under Section 10.4 of the Acton Zoning Bylav (hereinafter the Bylav) to construct a mobile communications tower and to use such for public utility under Section 3.4.5 of the Bylav.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on January 23, 1990 at 8:00 PM in the Selectmen's Hearing Room at the Acton Town Hall and continued to Pebruary 20, 1990 at 8:00 PM. Board members Nancy Tavernier, Dore' Hunter, Villiam Weeks, Norman Lake and Donald Gilberti were present throughout the proceedings. The record of the proceedings and submissions upon which this permit is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

Properly executed Application for Site Plan Approval dated December 11, 1989, signed by John J. Lorden as attorney for NYNEX Hobile Communications; certified abutters list dated August 21, 1989 signed by Lela M. Sorenson, Assistant Assessor; Board of Appeals decision on the petition of NYNEX Mobile Communications Co. hearing 89-30; letter to Board dated December 12, 1989 from John MacLeod; letter to the Board dated December 12, 1989 from John J. Lorden, Attorney for NYNEX Mobile Communications Company.

Exhibit II

Location map and vicinity plan dated November 15, 1989; location and utility layout plan dated November 15, 1989; site layout plan and details dated November 15, 1989; plan of land dated January 22, 1990; all by Villiam B. Herry and Associates Inc., Lakeside Office Park, Wakefield, Mass; key assembly for 100 feet of a 180 foot LST Type Tower (twenty-five pages) by Andrew Corporation, 2701 Mayhill Road, Denton, TX.

Exhibit III

Interdepartmental Communications (IDC) from Site Plan Coordinator to the Board dated 1/19/90 and 2/23/90; IDC from Engineering Department to the Town Manager dated 1/10//90; IDC from the Building Commissioner to the Town Manager dated 1/16/90; IDC from the District Manager of the Acton Water District to the Planning Board dated 2/5/90; IDC from the Municipal Properties Director to the Planning Department dated 1/18/90, revised 1/2 /90.

Exhibits I and II are referred to hereinafter as the Plan.

1.0 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and record of the proceedings, the Board found and concluded that:

- 1.1 The site is located within the Agriculture/Recreation/Conservation (ARC) District and the proposed use was permitted by a variance from the Board of Appeals. The site is also located within Zone 4 of the Groundwater Protection District.
- 1.2 The structure will be a one hundred foot tower with a support facility. The Board of Appeals granted a height variance at hearing #89-30.
- 1.3 The proposed construction activity will not occur within a 100 foot buffer of a wetland.
- 1.4 The Plan does not show a sidewalk. Acton Zoning Bylaw Section 10.4.3.4 requires sidewalks if the Board so requires.
- 1.5 The plan indicated in exhibit II as plan of land dated January 22, 1990 was submitted to the Board at the hearing of February 20, 1990. The Engineering Department in their IDC of February 13, 1990 responded to this revised plan.
- 1.6 Sheet 2 of the plan is in conflict with Sheet 4 in regard to the location of the structures and should be corrected.
- 1.7 The drainage calculations are not sufficiently complete and precise to determine whether the plans comply with Acton Zoning Bylaw Section 10.4.3.1.
- 1.8 Acton Zoning Bylav Section 4.3.6.2 requires that a hydrologic budget or water balance calculation be completed for all sites requiring a site plan special permit. A hydrologic budget or water balance calculation was not submitted for their special permit application.
- 1.9 It will be necessary to use fill material for the proposed construction. The plans do not indicate that Hazardous Material or vaste will not be used for fill.

- 1.10 The proposed construction will disturb a Conservation Trail.
- 1.11 The plans fail to show how the road surface and shoulders and the area outside the chain link fence will be stabilized after the proposed videning.
- 1.12 The applicant requests a vaiver of the requirements for building elevations, a traffic study, a full landscape plan, earth removal calculations, and floor plans as the information provided in these plans would be irrelevant to this project.
- 1.13 The Plan as modified herein and as provided for in the conditions protects the Town and the neighborhood against seriously detrimental or offensive uses on the site and against adverse effects on the natural environment and complies with all applicable requirements of the Bylaw.
- 1.14 The Plan as modified herein and as provided for in the conditions provides for convenient and safe vehicular and pedestrian movement to and from the site as well as within the site, adequate methods of vaste disposal, and adequate parking and loading facilities.
- 1.15 The granting of a Site Plan Special Permit for the Plan as modified herein and as provided for in the conditions will not derogate from the intent of the Bylaw to limit the adverse effects of the use and development of land on the surface and groundwater resources of the Town of Acton.

THEREFORE, the Board voted to GRANT the requested Site Plan Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not issue any building permit nor shall be permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit any construction on the site. The petitioner shall submit 5 copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

2.1 The Plan shall be revised to include a sidevalk along the entire front of the property. The sidevalk shall be designed and constructed to the current specifications of the Subdivision Rules and Regulations of the Town of Acton. The sidevalk shall be

completed prior to use of the site for communications. In lieu of the sidewalk the applicant may provide a gift in the amount equal to \$30 per lineal foot of sidevalk (the approximate cost of a sidevalk built to Subdivision Rules and Regulations) based on the length of frontage to a fund set up to maintain Conservation Trails. If the applicant elects to contribute to the fund it shall be done prior to issuance of a Building Permit.

- 2.2 Sheet 2 of the plan shall be revised to reflect the corrected location of the structures.
- 2.3 The drainage calculation shall be completed so as to reflect compliance with Acton Zoning Bylav Section 10.4.3.1. These calculations shall be submitted to the Engineering Department for their written approval.
- The plan shall be modified to reflect a note indicating that 2.4 "hazardous material or waste or solid waste shall not be used". vill show compliance with section 4.3.6.2 of Acton Zoning Bylaw.
- 2.5 A hydrologic budget or water balance calculation shall be completed so as to show compliance with section 4.3.6.2 of Acton Zoning Bylaw.
- A Plan shall be prepared to show how the road surface and shoulders 2.6 and the area outside the chain link fence will be stabilized after the proposed videning is completed. This plan shall meet the approval of the Municipal Properties Director.
- The Board grants a vaiver from requirements for building elevations, 2.7 a traffic study, a full landscape plan, earth removal calculations and floor plans.
- 3.0 CONDITIONS
- 3.1 VIOLATION OF CONDITIONS. Violation of any of the conditions of this site plan decision shall be grounds for revocation of this Site Plan. Special Permit, or of any building or occupancy permit granted hereunder. In case of any violation of the continuing obligations of this permit, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation and to enforce the conditions of this permit. The Town may enforce compliance with the conditions of this permit by action of injunctive relief before any court of competent jurisdiction. The owner agrees to pay the Town for the enforcement of the conditions of this permit. LIHITATIONS

The authority granted to the Petitioner by this permit is limited as follows:

- 4.1 APPLICABILITY OF PERMIT. This permit applies only to the site which is the subject of this petition. All construction to be conducted on the site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 LIMITATION OF FURTHER DEVELOPMENT AND USE. There shall be no change of use, further development, or subdivision of the site vithout written consent of the Board.
- 4.3 OTHER PERMITS OR APPROVALS. The decision applies only to the requested Special Permit. Other permits or approvals required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 SIGNS. No approval of any indicated signs or advertising devices is implied by this decision.
- 4.5 BYLAV COMPLIANCE. The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Bylav.
- 4.6 AMENDMENT OF PERMIT. The Board hereby reserves its powers to modify or amend the terms and conditions of this Special Permit upon its own motion or on the application of the owner, lessee, or mortgages of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Bylav and with the terms of this permit.
- 4.7 LAPSE OF PERMIT. This Site Plan Special Permit shall expire on March 20, 1992 if a substantial use thereof has not commenced sooner except for good cause or if construction has not begun by said date except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least thirty (30) days prior to said expiration date and the Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant any extension without a public hearing. The Board, however, shall not grant any extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.
- 4.8 APPEALS. Any person aggrieved by this decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within twenty (20) days after the filing of this decision with the Acton Town Clerk.

Vitness our hand this 20th day of March, 1990

Nancy E. Tavernier, Chairman

وريبت في ويتهز وينها

I, Ann Simeone, hereby certify that this is a true copy of the decision of the Board of Selectmen.

3/22/90 Ann Simeone, Selectmen's Secretary

Date filed with fown Clerk

Cornelia O. Huber, Town Clerk

TO VHOM IT MAY CONCERN:

This is to certify that the 20 day appeal period on the decision of HYNEX Mobile Communications has passed and there have been no appeals made to this office.

Date

Cornelia O. Huber, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Building Commissioner
Board of Health
Conservation Commission
Engineering
Board of Assessors
Fire Department
Planning Boards - Littleton, Westford,
Maynard, Carlisle, Concord, Boxborough,
Stow, Sudbury

Town Clerk
Site Plan Coordinator
Planning Board
Hunicipal Properties
Board of Appeals
Vater District
Police Department

5/25/93

SELECTMEN'S MEETING MAY 4, 1993

The Board of Selectmen held their regular meeting on Tuesday, May 4, 1993. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

NONE EXPRESS

PUBLIC HEARINGS AND APPOINTMENTS

SPECIAL ELECTION DISCUSSION

Chairman Tavernier noted that there were no representatives from the Finance Committee or School Committee present to offer their input into the decision.

Jeff McHarg, 4 Foster Street thanked all the people who attended Town Meeting to voice their opinions. He urged the Board to call for a second override vote to give the residents an opportunity to vote on a lower amount. He suggested two avenues that he felt the Board should examine. First, a work re-bate program so that taxpayers could work in the schools and town offices for a reduction in taxes. Second, to file two home rule petitions to allow residents to refine the law, allow multiple year budgets, etc. He asked the people who were engaged in Town Meeting to stay involved with Town affairs.

Charles Kadlec - He questioned two items on the B Budget Priority list. He wanted to have more information on the traffic signal and computer study. Nancy suggested that he remain after this discussion as the Board would be addressing this later in the evening.

John Kuda - Urged the selectmen not to vote for the override reconsideration. He felt morally we should all accept the first No vote.

Gorden Cash - He spoke about the right to vote and urged the selectmen not to place the question back on the ballot.

Ray Bintliff - He urged the Board to be courageous and to uphold the vote already taken. He felt we were close to setting a dangerous precedent by revisiting the question.

Carol Place - felt this vote was not the same question. It was a lower amount and therefore, a different question. She urged the Board to vote to put the new question on the ballot..

Lynn Courtney Knights - Urged in favor of the new question.

John Kuda felt this would polarize the town and urged the Sélectmen not to yield to this organized group that is sponsoring the new question..

Evelyn Olschewski - She spoke about people not having the choice on the original vote of choosing a smaller amount and felt to offer a lesser amount would be a good idea. She urged the Board to place it on the ballot.

Charles Kadlec - He stated that while it would be a surprise to everyone, he feels it should be put on the ballot. Town Meeting has sent a message and the Board is obliged to carry out the action of putting a lower amount on the ballot.

Laura Russell - felt we have a voice and that the Board should support the views of Town Meeting and place it on the ballot. She also urged everyone to stay involved in Town affairs.

Nancy Tavernier - the 1.55 failed, the town went to the Town Meeting with a B budget. The group was formed to present a new figure to Town Meeting. The contingency vote was taken and now action has to take place within 45 days.

Dore' Hunter - Further expanded on Nancy's comments and explained the mechanics of the amount of the override. He felt we need to address the sense of the Town Meeting to reconsider. He said we should honor what Town Meeting has said, and would vote to place it on the ballot.

Norm Lake - Agreed with Dore'. He felt we should support Special election.

Anne Fanton - She found it very difficult to support a second override opportunity. However, based on the hours of time it takes to understand the budget process from the beginning at Coordinating Committee to presentation, she felt she could support the reconsideration. The process was even more difficult this year. She was willing to accept the lower amount of 687,000. for the ballot question.

Bill Mullin - He felt the issue needed to be better defined. He felt that it was his opinion that Proposition 2 1/2 is a crazy law. It needs to be revisited. He feels the Board has an obligation to place the question on the Ballot.

DORE' HUNTER - Moved to place the question on the Ballot mirroring the \$687,000 contingent appropriation and call a special election for June 8, 1993. NORM LAKE - Second. Unanimous Vote.

CONSENT CALENDAR

NORM LAKE - Moved to accept the consent calendar as printed.
NANCY TAVERNIER - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

Board Reorganization - NANCY TAVERNIER - Moved to appoint Dore' Hunter as Chairman - NORM LAKE - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to appoint Anne Fanton, Vice-Chairman. NORM LAKE - Second. UNANIMOUS VOTE

DORE' HUNTER - Moved Bill Mullin as Clerk - NORM LAKE - Second. UNANIMOUS VOTE.

Selectmen's Policies - Dore' spoke about the five memo's he has written regarding, Line Item Budget, Commenting on School Issues, Revision of Coordinating Committee, Standard Warrant articles to appear after School Budget, and removal of "How Great we Are" speeches. He has asked staff to distribute to all concerned.

B+ Budget - Dore' discussed the process to restore cuts should the ballot question pass. He suggested the Computer Study be placed in line to assure collection level.

Charlie Kadlec asked about collection amounts. He stated he is not fond of studies. The Board explained that the Finance Committee has requested that a study be done to support the \$750,000 amount requested for the program. Janet Murphy asked if it would be bonded. John Murray explained that some of the costs would be. John and Don Johnson made a presentation supporting the need for the computer article. They outlined the collection numbers and effects on the budget and taxes. Charlie said that they should just put it on the warrant and not do the study. It is apparent the number is good if what is presented is correct, and to spend \$50,000 on a study is wrong.

Anne Fanton discussed the prioritizing of items 12 and 17 and asked to have sidewalks left off the list at this time.

Norm Lake said he wanted the sidewalk appropriation maintained.

Bill Mullin said he would concur with Anne on the sidewalks.

Don Johnson said that the sidewalks were included because the Board had indicated priority for sidewalks in the past. Don asked that item 20 be retained on the list even though we had gotten monies from the Soccer League. The money in item 20 would be for other duties performed by the Municipal Properties. NANCY TAVERNIER - Moved to add Items 12 and 17 in place of Item 18 and 19 in that order on the list of priorities. ANN FANTON- Second. UNANIMOUS VOTE

The Board discussed coming back to revisit the list at the next meeting. The list should have an explanation with each item to better describe each item.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 10:15 P.M.

Clerk		
Date	 	

Christine Joyce Recording Secty. cmjW11-(390) TO:

Board of Selectmen

FROM:

NANCY TAVERNIER, Chairman

SUBJECT:

SELECTMEN'S REPORT

AGENDA

ROOM 204

7:30 P.M.

May 4, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:30 SPECIAL ELECTION DISCUSSION - Enclosed please find guidelines and printed materials relative to scheduling a Special Election.

III. CONSENT AGENDA

- 2. Accept Minutes March 30, 1993- Enclosed please find Minutes for Board approval.
- 3. Eagle Scout Court of Honor Enclosed please find a three invitations to a Courts of Honor on May 16, May 23, and May 25th for Board assignment.
- 4. ACCEPT GIFT Enclosed please find a request to accept a \$10.00 donation to the Civil Defense Agency for Board action.
- IV. SELECTMEN'S CONCERNS
- 5. BOARD REORGANIZATION
- V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS - Marty Meehen, May 8, 1993 at 10:00 - Town Hall - Would like to meet with Board members prior to his "Town Meeting" if anyone is available.

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

MAY 11, 1993 - Mobil Oil Site Plan 204 Main Street Suburban Manor Site Plan, 1 Great Road Planning Board - Discussion Farm Hill

790 acs

May 18, 1993

Donna Whalen is known to me. Her letter does not indicate an amount, but her need is \$700. Mrs. Whalen is receiving \$300 from the MS Society, \$145 from the Commision on Disability gift fund, and \$100 from the Friends of Acton Disabled. The car manufacturer is also allowing \$500. Mrs. Whalen is limited as to how far she can travel on her scooter; she cannot even travel the neighborhood in inclement weather. Donna is an active community volunteer when the walking distance she must travel is very short.

See attached letter from Mrs. Whalen.

Carol Lake

Council On Aging

Betsy Ball Fund \$700.

Board of Selectmen Town Hall Acton, MA 01720

To The Board Members:

My name is Donna Whalen and I am writing to request financial assistance from the town to purchase a rear lift for my van.

Allow me to provide you with some background information. I have had Multiple Sclerosis in excess of fifteen years. Recently, I have found it necessary to utilize a motorized scooter for excursions. After a long debate with my insurance carrier, they provided me with one.

Then I had to purchase a van to transport the scooter. That expense has exhausted all of my savings and retirement accounts. As a single parent of two young girls I just didn't have anything left to purchase the lift with and the bank where the loan was secured would not extend any more credit.

I went back to the insurance company to request a lift and was refused. I appealed and was still denied.

Next, I made an inquiry to the Massachusetts Rehabilitation Office. I was told that to even determine eligibility it would take sixty days and if approved it could be as long as one year to provide the equipment.

I really need it now! Each week that I can not make the walk to get to my daughter's class to parent help saddens me. I miss not being able to go to the malls or the library without assistance.

I would like to be able to provide my children and myself with the freedom to go out when we want to and not when someone can take us. The ability to go to the Acton Arboretum, the supermarket and even the Outdoor Store have been taken away from me because I am unable to handle walking any distance.

The lift would cost approximately \$1,700 installed. Five hundred dollars of that will be covered by the car manufacturer but that offer expires in **four** months.

I hope that you will consider my request. Please find the enclosed paperwork which will provide you with an estimate, medical necessity et al. I would be pleased to provide you with any additional documentation that you deem necessary.

I anxiously await your response. With summer approaching the urgency level is brought to the forefront because with the heat my condition deteriorates.

Thank you in advance for your consideration.

Sincerely,

Donna B. Whalen 15 Agawam Road Acton, MA 01720

263-1351

Re: Donna Whalen

DOB 1-21-53

TO WHOM IT MAY CONCERN:

Donna Whalen is a 41 year old woman who has multiple sclerosis which has caused her to have increasing difficulty with ambulation to the point that she required a scooter, which was recently purchased, to aid in mobility.

She has currently purchased a van for transporting the scooter to be able to manage her activities of daily living.

She is currently in need of a lift attachment for the van to be able to get the scooter into the van to make it practical to use this.

I would support her in this request.

Sincerely,

Jon W. Way, M.D.

JWW:sew

5/25/93

TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

DATE: May 20, 1993

TO:

Don P. Johnson, Town Manager

FROM:

Garry A. Rhodes, Building Commissioner

SUBJECT:

Security 7/24/92-336

524 Main Street

The CML Group is requesting that they be allowed to occupy their building prior to completion of the landscaping. They have substantially increased the level of landscaping from the original submission.

It has been past practice of the Board of Selectmen to allow occupancy prior to completion of their decision if a suitable security is posted. The applicant estimates that it will cost approximately \$40,000 to complete Phase I with a total cost in excess of \$100,000 for landscaping.

After consultation with the Municipal Properties Director, it is our opinion that in order to complete the landscaping in a manner to comply with the Zoning Bylaw, it would cost approximately \$10,000.

Therefore, it is our recommendation that if the Board of Selectmen votes to accept the security, that it be in the amount of \$10,000 in a form acceptable to the Town Treasurer.

(257)

5/21/93

WE HAVE I SET OF PLANS
THAT STAFF WILL HAVE AVAILABLE
IF YOU WISH TO REVIEW THEM

OF THE MEETING.

RON BOUCHER ASSOCIATES LANDSCAPE ARCHITECTS

May 19, 1993

Board of Selectmen 472 Main Street Acton, MA 01720 Attn: Mr. F. Dore'- Hunter, Chairperson

Dear Mr. Hunter:

In an effort to avoid any hardship to our client, the CML Group of Main Street, Acton, I would like to offer the Board information as to not only the schedule for completion of the landscape project, but to notify you as well of the design changes subsequent to submittal of the original landscape plan dated July 8, 1992. Our hope is that clarification of these issues will enable the Selectmen to approve issuance of the Certification of Occupancy.

The major building construction was ongoing through the winter months, during which time our client became interested in a more comprehensive landscape plan than the one previously submitted. Enclosed please find a copy of our master landscape plan for your review. As you will see, the improvements are far more extensive than those improvements approved by the Town of Acton.

We have been forced to alter the time table for implementation due to the late winter, availability of contractors, and coordination with the schedule of the building contractor. We are presently under contract, and it is our plan to complete this project within the next four to eight weeks.

RON BOUCHER ASSOCIATES LANDSCAPE ARCHITECTS

Although it is the intention of the CML Group to proceed with the completion of the master plan, we are planning to stage planting installation over a period of time due to budgetary restraints. The first phase, however, should substantially satisfy the original requirements. The estimated cost for phase one of the landscape project will be in excess of \$40,000.00

We hereby request that the Certification of Occupancy be issued temporarily or otherwise, in order that the new office space can be utilized while the landscape project is being completed. If a percentage of the project costs must be held in escrow until completion and approval, then please advise us as to the proper procedures.

If you have any questions or concerns, please contact me at your convenience. In the meantime, your consideration for approval would be very much appreciated!

Sincerely,

Michael J. Coutu

MJC:ig Enc.

cc: Gary Rhodes, Building Inspector

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 21, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Audubon Hill

In reviewing the documents on the Audubon Hill Agreement staff discovered terminology that is favorable to our current position with respect to completion of the Senior Center. (Please see paragraph "g" in the attached pages.) I have discussed this with Town Counsel and met with Roy Smith and David Connolly of Boston Federal Savings Bank. I would like to discuss this information and the results of my negotiations with the Board on Tuesday and seek your guidance for further negotiations.

Dan

restrictions described in Section 3.4, and contain a statement that such Unit is a Restricted Unit subject to said provisions and of the Special Permit, and shall include such provisions within such deed or a reference to the place of recording of such documents with the Registry of Deeds and the Registry District.

The Developer agrees to convey five (5) Units to the Acton Housing Authority (the "AHA") at the election of the AHA for the price of sixty five thousand dollars (\$65,000) for each Unit on the terms and conditions set forth on the purchase and sale agreement attached hereto as Exhibit K, subject to approval by the Executive Office of Community Development. The Developer further agrees that three (3) of the Units referred to in the previous sentence shall be constructed as part of the South Phase of the Project and two (2) of such Units shall be constructed as part of any subsequent Phase of the Project. The Units to be so conveyed have been designated in five (5) Right of First Refusal agreements as executed by the Developer as of March 8, 1989 and attached hereto Upon execution of this Agreement, as Exhibit G. the terms and conditions of this Agreement and the attached Exhibit K shall govern the sale of such Units and the aforesaid five Right of First Refusal Agreements shall thereupon be void and of no further effect. Sixty (60) days prior to the estimated Completion of Construction of each Unit to be conveyed to the AHA, the Developer shall give the Town Designee and the AHA notice of the estimated date of the Completion of Construction of such Unit. The date of conveyance of the deed to each such Unit shall be thirty (30) days following the Completion of Construction of such Unit unless an earlier date is agreed to in writing by the parties. The Developer and the Town agree that time shall be of the essence of this agreement to convey the aforesaid Units. The aforesaid Units shall be Restricted Units for the purposes of this Agreement.

The Developer may only sell, convey or otherwise transfer a Unit for which the Developer has received a Certificate of Occupancy.

Notwithstanding the foregoing sentence, the Developer may execute a Purchase and Sale Agreement for a Unit prior to receiving a Certificate of Occupancy. Until such time as Completion of Construction of the Senior Center has occurred, the Town shall grant Certificates of Occupancy only for

W

(g)

Units constructed in the South Phase in conformity with this Agreement. The Town shall grant no further Certificates of Occupancy with respect to Units in the Project until the Completion of Construction of twenty seven (27) Units in the South Phase and the Senior Center has occurred.

3.4. Conditions for Resale.

- (a) Age. For a period of forty (40) years from the date of this Agreement, no Unit or any interest therein shall be sold, assigned, conveyed or otherwise transferred, and no attempted sale, assignment, conveyance or other transfer shall be valid, unless the Person or Persons acquiring such Unit or interest shall be (i) one or two Senior Citizens, or (ii) a Senior Citizen and his or her spouse, or (iii) a member of a Senior Citizen's Immediate Family and such Senior Citizen or Senior Citizen and his or her spouse shall agree to utilize such Unit as their principal residence.
- Price. For a period of forty (40) years from the (b) date of this Agreement no Restricted Unit or any interest therein shall be sold, conveyed, or otherwise transferred, and no attempted sale, conveyance or transfer thereof shall be valid. unless the aggregate value of all consideration and payments of every kind given or paid by the purchaser to the owner of such Restricted Unit for and in connection with the transfer of such Restricted Unit, is equal to or less than the Maximum Resale Price for such Unit determined as of a date not later than the date of transfer or conveyance of title to such Unit. In the event that (i) the price restrictions contained herein are not extended as provided in the Condominium Documents or are withdrawn prior to the expiration of such forty (40) year period, or (ii) the Restricted Unit is sold pursuant to the terms and conditions of Section 3.4(h) below, the sum equal to the excess of the amount received by the Seller of the Unit over the Unit's Maximum Resale Price shall be paid to the Town, or such successor entity as is designated by the Town Board of Selectmen, to be held and invested in a trust as directed by the Town Board of Selectmen for the benefit of the Town's Senior Citizens. Upon payment of such excess sum to said trust, the Town Designee shall execute a certificate, in recordable form, acknowledging receipt of such monies. The interest on and corpus of said trust shall be applied only as directed by the Town Board of Selectmen.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: May 21, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Audubon Hill

In reviewing the documents on the Audubon Hill Agreement staff discovered terminology that is favorable to our current position with respect to completion of the Senior Center. (Please see paragraph "g" in the attached pages.) I have discussed this with Town Counsel and met with Roy Smith and David Connolly of Boston Federal Savings Bank. I would like to discuss this information and the results of my negotiations with the Board on Tuesday and seek your guidance for further negotiations.

da

restrictions described in Section 3.4, and contain a statement that such Unit is a Restricted Unit subject to said provisions and of the Special Permit, and shall include such provisions within such deed or a reference to the place of recording of such documents with the Registry of Deeds and the Registry District.

(f) The Developer agrees to convey five (5) Units to the Acton Housing Authority (the "AHA") at the election of the AHA for the price of sixty five thousand dollars (\$65,000) for each Unit on the terms and conditions set forth on the purchase and sale agreement attached hereto as Exhibit K, subject to approval by the Executive Office of Community Development. The Developer further agrees that three (3) of the Units referred to in the previous sentence shall be constructed as part of the South Phase of the Project and two (2) of such Units shall be constructed as part of any subsequent Phase of the Project. The Units to be so conveyed have been designated in five (5) Right of First Refusal agreements as executed by the Developer as of March 8, 1989 and attached hereto as Exhibit G. Upon execution of this Agreement, the terms and conditions of this Agreement and the attached Exhibit K shall govern the sale of such Units and the aforesaid five Right of First Refusal Agreements shall thereupon be void and of no further effect. Sixty (60) days prior to the estimated Completion of Construction of each Unit to be conveyed to the AHA, the Developer shall give the Town Designee and the AHA notice of the estimated date of the Completion of Construction of The date of conveyance of the deed to such Unit. each such Unit shall be thirty (30) days following the Completion of Construction of such Unit unless an earlier date is agreed to in writing by the parties. The Developer and the Town agree that time shall be of the essence of this agreement to convey the aforesaid Units. The aforesaid Units shall be Restricted Units for the purposes of this Agreement.

(g)

The Developer may only sell, convey or otherwise transfer a Unit for which the Developer has received a Certificate of Occupancy.

Notwithstanding the foregoing sentence, the Developer may execute a Purchase and Sale Agreement for a Unit prior to receiving a Certificate of Occupancy. Until such time as Completion of Construction of the Senior Center has occurred, the Town shall grant Certificates of Occupancy only for

Units constructed in the South Phase in conformity with this Agreement. The Town shall grant no further Certificates of Occupancy with respect to Units in the Project until the Completion of Construction of twenty seven (27) Units in the South Phase and the Senior Center has occurred.

3.4. Conditions for Resale.

- (a) Age. For a period of forty (40) years from the date of this Agreement, no Unit or any interest therein shall be sold, assigned, conveyed or otherwise transferred, and no attempted sale, assignment, conveyance or other transfer shall be valid, unless the Person or Persons acquiring such Unit or interest shall be (i) one or two Senior Citizens, or (ii) a Senior Citizen and his or her spouse, or (iii) a member of a Senior Citizen's Immediate Family and such Senior Citizen or Senior Citizen and his or her spouse shall agree to utilize such Unit as their principal residence.
- (b) Price. For a period of forty (40) years from the date of this Agreement no Restricted Unit or any interest therein shall be sold, conveyed, or otherwise transferred, and no attempted sale, conveyance or transfer thereof shall be valid, unless the aggregate value of all consideration and payments of every kind given or paid by the purchaser to the owner of such Restricted Unit for and in connection with the transfer of such Restricted Unit, is equal to or less than the Maximum Resale Price for such Unit determined as of a date not later than the date of transfer or conveyance of title to such Unit. In the event that (i) the price restrictions contained herein are not extended as provided in the Condominium Documents or are withdrawn prior to the expiration of such forty (40) year period, or (11) the Restricted Unit is sold pursuant to the terms and conditions of Section 3.4(h) below, the sum equal to the excess of the amount received by the Seller of the Unit over the Unit's Maximum Resale Price shall be paid to the Town, or such successor entity as is designated by the Town Board of Selectmen, to be held and invested in a trust as directed by the Town Board of Selectmen for the benefit of the Town's Senior Citizens. Upon payment of such excess sum to said trust, the Town Designee shall execute a certificate, in recordable form, acknowledging receipt of such monies. The interest on and corpus of said trust shall be applied only as directed by the Town Board of Selectmen.

File

FLANAGAN & HUNTER, P.C.

ATTORNEYS AT LAW

AND
PROCTORS IN ADMIRALTY
211 CONGRESS STREET
BOSTON, MASSACHUSETTS 02110-2434

TELEPHONE: (617) 482-3366

FAX: (617) 482-3467

FAX COVER SHEET

DELIVER TO:

Town Manager

AT:

Acton Town Hall

FAX NUMBER:

508-264-9630

FROM:

6

F. Dore' Hunter

Number of Pages, Including this Cover Sheet: 6

COMMENTS:

Draft RFP for Legal Counsel to be included in unnumbered mail in next BOS packet.

DATE: May 12, 1993

FILE NO. None

Attention - Important Notice: This FAX is intended only for the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this FAX please take note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the documents by mail.

REQUEST FOR PROPOSAL FOR LEGAL SERVICES

The Board of Selectman of the Town of Acton, upon recommendation of the Acton Finance Committee, requests proposals from qualified law firms to provide the Town with legal counsel services. Under the Charter of the Town of Acton appointment of Town Counsel rests solely with the Board of Selectman. Selectman have for many years utilized the services of the Boston law firm of Palmer and Dodge as principal Town Counsel, and more recently have used the firm of Kreiger and Anderson for some The issuance of this Proposal does not indicate specific tasks. that the Selectman are dissatisfied with the current rendition of legal services by either firm. Nor does the issuance of this Proposal necessarily indicate that the Selectman may appoint new Town Counsel. The Board of Selectman specifically reserves the right to reject any and all Proposals.

The most important criteria in regard to selection of Town Counsel is the Board of Selectmen's perception of the demonstrated expertise and skill that is offered. Secondarily the Selectmen will consider cost factors. The Board of Selectmen will not necessarily retain the firm projecting the lowest hourly rate or the least annual budget, as it feels that such information, even though compiled in good faith, may prove misleading.

Because the Board of Selectmen is of the opinion that the Town requires depth of support across a broad spectrum of legal services, it has decided that it will not consider proposals for general Town Counsel services from solo practitioners or small firms lacking second attorney support in all relevant major practice areas.

Firms responding to this proposal shall provide eight copies of their written answers, and any other documentary information responsive to the attached questions, under cover signed by the attorney who would be the Town's principal point of contact with the submitting firm. To be considered, Proposals must be received in hand by the Town Manager, Town Hall, 472 Main Street, Acton, MA 01720 before 3:00 p.m. on ________, 1993. The Board of Selectmen may require further submissions from firms which are considered to have successfully completed the first response to this Request for Proposals.

Please respond to the following questions, you may amplify as you may see fit and/or provide other information as desired, but these basic questions must be addressed in a responsive manner.

1. Does your firm currently represent any of the following entities?

Acton-Boxborough Regional School District Acton Public Schools Acton Water District Town of Boxborough Town of Concord
Town of Littleton
Town of Maynard
Town of Sudbury
Town of Stow
Town of Westford
NESW [full legal title]
[add other NESW communities]

- 2. If you answer is in the affirmative as to any entity listed in question 1.:
 - a) Please state generally the nature of the representation as that entity(ies).
 - b) If your firm should be appointed as Acton Town Counsel, what is your evaluation of the probability that your representation of the listed entity(ies) might give rise to a conflict of interest?
 - c) Should a conflict of interest arise as a result of dual representation, how would your firm propose to handle it?
- 2. What other organizational clients does your firm currently and regularly represent? As to each such other organization please state the general law practice areas involved.
- 3. As to each municipality which your firm has represented in the last five years please state what areas of law practice were/are involved, and provide the name, address and telephone number of the person(s) in each municipality believed to be most familiar with your firm's work.
- 4. What does your firm see as the Town of Acton's principal needs for legal counsel over the next three years? Explain your reasoning.
- 5. Of Acton's principal needs for legal counsel you have listed in response to the prior question, which (pick one need only) does your firm feel it is **best** qualified to fulfill? Explain the basis for your opinion.
- 6. Of Acton's principal needs for legal counsel you have listed in response to the next prior question, which need would be the most **difficult** for your firm to fulfill completely? Explain the basis for your answer.
- 7. Please specifically describe the legal services that you are offering to provide to the Town of Acton.
- 8. How many attorneys are in your firm? How many of your attorneys are partners or the functional equivalent of partners, how many are associates? If there is any intermediate category of attorneys, i.e. junior partners, non-equity partners, career

associates, etc., please describe the category(s) and indicate how many attorneys are involved.

- 9. How many paralegals or legal assistants are employed by your firm?
- 10. How many law clerks are employed by your firm?
- 11. Please describe the size and functions of your firm's administrative support staff.
- 12. List your firm's major practice areas and identify the attorney responsible for each such practice area.
- 13. Describe the internal and geographic organization of your firm, and identify which portions of your firm organization would be potentially involved in providing Town Counsel services to the Town of Acton. Identify the lead attorney for each such potentially involved organizational element, provide his/her curriculum vitae, and state his/her current hourly billing rate.
- 14. Provide the name, bar admission date, area of practice, current hourly billing rate and the curriculum vitae for each attorney in your firm who would be involved in providing legal services to the Town of Acton under your proposal.
- 15. Provide the name, qualifications, function, current hourly billing rate and educational background for any other person in your firm who would be involved in providing legal services to the Town of Acton under your proposal and for whose services you would individually bill the Town.
- 16. Assuming your firm was appointed as the Acton Town Counsel, please explain how you would propose assuming those duties from existing Town Counsel? Please be specific in regard to each area in which you propose to offer services as to how you would handle the transition.
- 17. Describe the system your firm uses in the municipal law areas to ensure that previously prepared memorandum of law and opinions are retrievable and can be utilized as the basis or starting points for new research and opinions.
- 18. What, if anything, distinguishes the quality of the legal services offered by your firm from the quality of those services offered by other firms?
- 19. What, if anything, distinguishes the inherent cost of the legal services offered by your firm from the cost of those services offered by other firms?
- 20. Without revealing any privileged information, give an example of a case, in each of the areas in which you offer to provide services, in which your firm's advice to a municipal client has had

- a particularly beneficial effect.
- 21. Without revealing any privileged information, give examples of several litigated cases (court, arbitration, ADR, etc.) in which your firm has obtained a particularly beneficial outcome for a municipal client.
- 22. Without revealing any privileged information, give examples of several litigated cases (court, arbitration, ADR, etc.) in which your firm has not obtained a favorable outcome for a municipal client and explain why you were not successful.
- 23. Who would be responsible for staffing decisions and staff selection for your proposed services to the Town of Acton?
- 24. Are the hourly rates that you have listed above subject to adjustment due to the complexity of legal issues involved in a particular matter, the ultimate result obtained, legal issues of first impression or any other factors? If so, please explain.
- 25. Are the fees you would propose to charge the Town of Acton based on any form of "value billing", that is on any basis other than actual time worked, measured in tenths of an hour? If so, please explain.
- 26. Do you wish to make any proposal to charge the Town of Acton for legal services provided on any basis other than hourly billing? If so, please explain.
- 27. Describe your firms process for billing legal fees, from initial recording of time by an attorney or other billable personnel to the generation of the final billing document.
- 28. Can your billing procedures and/or billing software produce monthly billings reflecting the date services were performed, name or initials of the individual performing the service, a narrative description of the services provided, time to perform the services in tenths of an hour, hourly rate of the charging individual, fee for each entry, number of attorney hours included in total fees for each billing period, number of paralegal or other billing personnel hours included in total fees for each billing period and a cumulative total of fees billed for a fiscal year? If not, please set forth what date your bill system can provide.
- 29. Describe your firm's policy and process for billing costs and disbursements.
- 30. Delineate which expense items are included in your regular hourly fees and which expense items would be passed on to the Town of Acton.
- 31. List your standard charge for:
 - a) Photocopies done in house; and

- b) Photocopies done out of house; and
- c) Outgoing and incoming local fax; and
- d) Outgoing and incoming long distance fax; and
- e) Automobile mileage; and
- f) Meals; and
- g) Other travel related costs; and
- h) Postage; and
- i) Courier services; and
- j) Local telephone; and
- k) Long distance telephone; and
- 1) LEXIS, WESTLAW or other on-line services; and
- m) Filing fees; and
- n) Court reporter services and transcripts; and
- o) Video and/or photographic services; and
- p) Trial exhibit preparation; and
- q) Litigation support services; and
- r) Data processing; and
- s) Secretarial overtime; and
- t) Other (please specify).

Are upcharges or percentage increases applied to any cost or disbursement item? If so, please explain.

- 32. What are the firm's annual minimum billable hour requirements for attorneys, paralegals, and other billable personnel?
- 33. Are the firm's attorneys, paralegals or other billable personnel compensated, in whole or in part, as regular or bonus compensation, on the basis of the number of hours billed above minimum billable hour requirements?
- 34. If the answer to the foregoing question was in the affirmative, what was the average percentage of annual partner, associate attorney, and paralegal compensation paid in 1991 and 1992 that is attributable to hours billed in excess of minimum requirements.
- 35. Why should the Town of Acton select your firm as Town Counsel?

TOWN OF ACTON

Inter-Departmental Communicat/on

DATE: May 27, 1993

TO: Board of Selectmen

FROM: Stewart Kennedy, Cemetery Superintendent

SUBJECT: U.S. Veterans Intered in Acton Cemeteries Since June 1, 1992

According to our records, which are only as accurate as the information we receive, the following is a list of veterans buried in the Acton Cemeteries from June 1, 1992 to date:

NAME	DATE OF DEATH	BRANCH OF SERVICE	WAR	CEMETERY
CARLSON, Walter T.	June 8, 1992	U.S. Navy	wwii	Woodlawn
KITTEREDGE, Jeannette O.	August 10, 1992	U.S. Army	wwii	Woodlawn
ROSA, Fortunato C.	September 2, 1992	U.S. Army	wwii	Mount Hope
SALINAS, Charles A.	September 13, 1992	U.S. Army	wwii	Woodlawn
FOOTE, Frederick Maurice	October 20, 1992	U.S. Army	wwii	Mount Hope
MURDOUGH, Edwin B.	November 10, 1992	U.S. Army	wwi	Woodiawn
NADEAU, Lionel E.	November 14, 1992	U.S. Army	wwii	Woodlawn
CHAGNON, Charles W.	January 27, 1993	U.S. Army	wwii	Woodlawn
SULLIVAN, John J.	April 14, 1993	U.S. Navy	wwii	Woodlawn
SWEENEY, Paul	April 23, 1993	U.S. Coast Guard Merchant Marine	wwii	Mount Hope

Atten: Anne & Norm

10 HIGH 5T. N. BILLERICA MA. 01862 MAY 23, 1993

Uctor Bel of Selectmen,

I want to commend alice Shepherd and Mary Larson of the Town Hell for their treatment towards a complete stranger. I went to them in February of this year to help me get some records of my employment with The Town of actor over 30 years ago. These records will be a great help in compiling my retirement benefits from Hiddlerey County. Both women were courteous, sincere, and very efficient. Within a few days they had all The information I needed.

You are very hicky to have such dedicated and knowledgeable employees with the Town of hetor.

AUCE & MARY -CONGRATULATIONS ON A JOB WELL DONE.

CC: BOS PELS. FILES

Surcerely It. Paul J. Hayes Billeria Fire Defet.



ACTON COMMUNITY HOUSING CORPORATION

P.O. BOX 681 ACTON, MASSACHUSETTS, 01720 (508)263-4776

cc: Bos -

5/28

May 25,1993

Mr. Dore Hunter
Chairman Acton Selectman
Town Hall
Main Street
Acton, MA 01720

Dear Dore:

I'M NOT SURE THE BOARD
NEEDS TO DO THIS. I BELIEVE
THE ORIGINAL VOTE OF THE BOS
WAS TO DESIGNATE, ON A STANDING
BASIS, THE BO. OF DIRECTORS ... NOT
INDIVIDUALS. WE WILL RESEARCH
THIS IF YOU WISH.

On February 12,1993 the Acton Community Housing Corporation had their Annual Meeting. The following individuals were voted in as Directors of the Corporation.

William Gothorpe - Chairman - 1995 Term
Peter Berry - Vice Chairman - 1995 Term
Kevin McManus - Treasurer - 1995 Term
Naomi McManus - Clerk - 1996 Term
Reverend William Heuss - Member - 1994
Jana Mullin - Member - 1994
Roy Smith - Member - 1994
Nancy Tavernier - Member - 1994
Bob Wiltse - Member - 1994

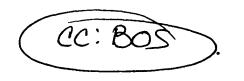
MiRanus

Please have the Acton Board of Selectmen vote to designate the Directors as special municipal employees (see previous designation letter).

Sincerely,

Naomi E. McManus

Clerk



ACTON HISTORIC DISTRICT COMMISSION

MAY 2 5 1933

NOTICE OF SITE VISIT: Thursday, May 27, 1993, 6:30 p.m.

20 Concord Road, Acton Center Historic District: potential application for Certificate of Appropriateness for demolition of outbuilding 472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO:

Don P. Johnson, Town Manager

DATE: May 25, 1993

FROM:

Roland Bartl, Town Planner R. . . .

 $R \cdot r > .$

SUBJECT: Mill Corner Sewer Lines, Your IDC of 5/20/93

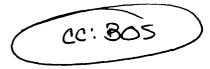
The following is a brief response to your questions and concerns regarding my recommendation on the ownership of the sewer lines in question. I see two reasons:

First, equity in service provided: It would result in equal treatment of the households in Mill Corner with any other households and users in South Acton.

Second, responsibility and central control: The operator of a sewer treatment plant is at all times responsible for the quality of effluent leaving the plant. If I were the operator, I would want to be in control of as much of the system feeding into my plant as possible. I could not directly control what happens inside the buildings I service. But, I would want to have exclusive authority over system repairs and improvements, setting of flow regulators, operation of pump stations, checking on sources of pollutants, and over any other activity or device that might be used or useful to influence and control the environmental performance and efficiency of my plant. This is based on my limited understanding of the technical operations of a sewer system. I could be convinced otherwise if it turns out that my control over the sewer lines does not give me tools I thought I would get.

[RHB.SP.P.93*28]

IC: BOS D.HALLEY



472 Main Street Acton, Massachusetts 01720

(508) 264-9636

South Acton Village Planning Committee (SAVPC)

Minutes for Meeting of:

May 11, 1993

Members in attendance: Bob Pion, Betsy Eldridge.

Also present: Roland Bartl (Town Planner).

Minutes of March 23 and April 13, 1993 were approved.

Zoning:

- 2. The committee continued its review of Section 3 and the Table of Principle Uses as it affects the South Acton Village District and agreed to recommend the following changes (see minutes of March 23, 1993 for previously recommended changes in Section 3 and the Table):
 - 3.5 Business Uses 3.5.7 Lodge or Club change: Y to SPS 3.5.8 Funeral Home no change 3.5.9 Veterinary Care change: N to SPS (in Section 5.5.2 add floor area ceiling to 3000 s.f.) 3.5.10 to 3.5.16 no change 3.5.17 Amusement Facility change: N to SPS (in text for 3.5.17 specify for cinema and performing arts only) 3.5.18 Service Station change: SPS to N 3.5.19 and 3.5.20 no change 3.5.21 Parking Facility change: Y to N 3.6 Industrial Uses 3.6.1 to 3.6.5 no change 3.6.6 Light Manufacturing no change (in Section 5.5.2 limit to 5000 s.f.)

Next regularly scheduled meeting: TUESDAY - MAY 25, 1993:

Minutes

- Discussion of Zoning Changes

Minutes approved May 25, 1993.

cc: Town Clerk, Planning Board, Board of Selectmen

[RHB.SAVPC*1]

RECEIVED & FILED

DATE May 26, 1993

TOWN CLERK, ACTON

(CC: BOS)

Historic District Commission Minutes -- April 5, 1993

Present: Chris Dallmus, Ann Forbes, Joan Gates, Whit Mowry, Sandra Schmidt, Michaela Moran

The meeting was called to order at 7:45 p.m. Minutes of 3/15/93 were accepted as corrected.

The Commission met with Jeannette Van Heerden, of 62 River Street to review preliminary plans and elevations for an addition to the house at this address. Dick O'Neil is the builder who will be doing the work. Mrs. Van Heerden was given a preliminary list of suggestions and guidelines of what features the HDC would find acceptable. These included a roof of steeper pitch, offset if possible, from the existing rear gable; windows to be 2 over 2, wooden of similar proportion and similar type surrounded by compatible casings; fatia and soffit boards and overhang to match those on the existing house; clapboards to have the same exposure (1/2") as on the front of the house. Also discussed was a possible change in location of the stairs so the addition would not overwhelm the house in height. It was agreed that the HDC would try to view the house with the owner and the builder in the next week. Forbes will notify members of the time.

It was agreed to hold Public Hearing on the property at 8:30 p.m. on April 26, 1993 in Room 46. The HDC will post a special meeting for 8 p.m. on that date.

ANNOUNCEMENTS

Letter from Playground Committee stating they don't plan anything in the Historic District at this time.

Town Meeting Article 19 -- self-funding

Article 22--Amendment to the sign by-law (will

remove/light on dark restrictions)

West Acton Village Forum-Forbes reported ---need for education about village district—committee is looking at whether it would be logical to expand the district----aesthetic concerns, especially with modern buildings----Forbes noted that they intend to bring their zoning changes to a vote next fall.

It was agreed that an addition to the Waiver of Public Hearing form should be made so that receipients understand it better.

Members will review the latest draft of Administrative Review for next meeting. Adjourned at 10 p.m.

Next meeting April 26, 1993 8p.m. Room 46 Hearing on #9302 at 8:30 p.m.

Respectfully submitted

Joan Gates, secretary

Accepted 9s Iwended, 5/3/93

TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

DATE: May 26, 1993

TO:

Conservation Commission

FROM:

Garry A. Rhodes, Building Commissioner

SUBJECT:

Town Planner's IDC, Dated May 25, 1993

Suburban Manor

I feel it necessary to respond to the Town Planner's Interdepartmental Communication to the Conservation Commission dated May 25, 1993. Under MGL Chapter 40A, Section 13, and Section 11.1 of the Acton Zoning Bylaw, the Building Commissioner enforces and interprets the Bylaw and the Board of Appeals decides any appeals of these actions. Therefore, any references to zoning violations in the Town Planner's IDC should be discounted. There are no zoning violations.

This issue has been thoroughly reviewed with Town Counsel. The Board of Selectmen have held a public hearing and all interested parties have had their opportunity to be heard.

In closing, the Commission need not concern themselves with zoning issues. This will free you to review relevant wetlands issues.

cc: Town Planner

Board of Selectmen

Town Hanager



William F. Weld Governor

Argeo Paul Cellucci Lieutenant Governor

The Commonwealth of Massachusetts The Alcoholic Beverages Control Commission

Leverett Saltonstall Building, Government Center 100 Cambridge Street, Boston, Mass. 02202-0002

> Telephone: (617) 727-3040 (617) 727-1258 Fax:

Gloria C. Larson Secretary

Stuart P. Krusell Chairman

HOLIDAY PACKAGE STORES MEMORANDUM

Package store closing requirements for Memorial Day, (Monday, May 31), and July 4, which this year falls on a Sunday, are addressed by G.L. 138, Sec. 33. The law states as follows:

I. MEMORIAL DAY (Monday, May 31, 1993). Package stores must be CLOSED on Memorial Day, Monday, May 31, 1993. THERE ARE NO EXCEPTIONS.

Package stores may open on Sunday, May 30, only in those cities and towns authorized to permit year-round Sunday openings, provided approval has been previously obtained from the local licensing authority.

All on-premise licensees (such as restaurants, bars, taverns, clubs, veterans clubs) may be open their normal holiday hours.

II. FOURTH OF JULY (Sunday, July 4, 1993). Package Stores may open on Sunday, July 4, only in those cities and towns authorized to permit year-round Sunday openings, provided approval has been previously obtained from the local licensing authority.

Package stores may open on Monday, July 5.

All on-premise licensees (such as restaurants, bars, taverns, clubs, veterans clubs) may be open their normal holiday hours.

CC: CHIEF ROBINSON BOS

WAK/rt

5/20/93



MAY 2 4 1993



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

May 14, 1993

Mr. John E. Corrigan,
Regional Director
Economic Development Administration
The Curtis Center Suite 140 South
Independence Square West
Philadelphia, PA 19106

Dear Mr. Corrigan:

I am writing to request that the city of Marlborough, Massachusetts, and the Massachusetts towns of Acton, Bolton, Hudson, Maynard, Stow and Southborough be designated to partake in the <u>Public Works and Economic Development Act of 1965, as amended</u>.

All seven municipalities listed above are within the designated region of the Metropolitan Area Planning Council (MAPC). Therefore, please include these communities in the Overall Economic Development Program administered by MAPC and approved by EDA.

Thank you for your attention to this matter.

Maryanie a. Danis

Sincerely,

Marjorie A. Davis,

President

cc: William Fitzhenry, Massachusetts EDA Representative

Chief Elected Officials of Marlborough, Acton, Bolton, Hudson, Maynard,

Stow and Southborough,

David C. Soule, Executive Director, MAPC Steven Landau, OEDP Project Manager, MAPC



MINUTES FORM Please send a copy after each meeting to Town Half



MINUTES OFEmergency Meeting of Cemetery Commissioners	MAY 2 4 1993
Meeting posted:xyes,no	7011
Date:April 5, 1993 Time:11:00a.m Place:Cemetery Office,	Woodlawn Cemetery
Members present: C. Putnam, W. E. C. George, E. Bailey also present: D. Charter , S. Kennedy	; ,;
1. Meeting began at 11:05 a.m.	

- 2. Dean Charter briefed the Commissioners on series of meetings that have taken place since the Town
- 3. Chairman, Charles Putnam presented recalculations of New Perpetual Care Fund that showed \$2,760.00 from FY92 that had not been expended and \$2,680.00 estimated increased income to be received in FY94 for a total of \$5,440.00 that could be used in the coming Fiscal Year.

The Commissioners reiterated their concern that they have received no reply to their desire for legal action to have greater access to the accumulated interest of the Wetherbee gift.

- 4. At the direction of the Chairman, the Superintendent had been asked to compute the savings which would be achieved by releasing the most junior employee. Stewart reported the total saving would amount to \$33,070.00 (including wages, 2% Cost of Living Allotment, Safety equipment, uniforms, Health Insurance and Step Rate).
- 5. It was moved by Ed Bailey, seconded by Walter George, and voted unanimously to recommend to the Town Manager the increase of income from New Perpetual Care Fund and the reduction of one man, for a total of \$38,510.00, to meet the Plan B Budget.
- 6. Meeting adjourned at 11:40 a.m.

Election that had turned down the override.

REVISED IST PAGE OF ABSTRACT

cc: Bos

ABSTRACT OF ANNUAL TOWN MEETING HELD APRIL 12, 1993 WITH ADJOURNED SESSIONS HELD APRIL 26, 1993 AND APRIL 27. 1993

On April 12, 1993, Moderator, Donald MacKenzie called the meeting to order at 7:30 P.M. After welcoming the attendees, Mr. MacKenzie introduced Mrs. Nancy Tavernier, Chairman of the Board of Selectmen and Mr. Arthur Harrigan, Chairman of the Finance Committee who introduced the people on the dias.

After giving a brief review of town meeting rules and regulations, the moderator was informed that the Audio system in the cafeteria (Common C) was not clear. Mr. MacKenzie checked on the audio system and then he recommended that we adjourn town meeting.

MOTION: Mrs. Tavernier moves that the annual town meeting be adjourned until April 26, 1993 at the field house where new arrangements would be made for the town meeting.

Motion was carried and town meeting was adjourned at 8:05 P.M.

There were 1421 registered voters at the town meeting on Monday, April 12, 1993.

MONDAY, APRIL 26, 1993

: :

The Annual Town Meeting was called to order at 7:30 P.M. by Moderator, Donald MacKenzie.

Mr. MacKenzie apologized for the delay of town meeting and advised that this town meeting was being held in the field house, as well as the auditorium, and that he had appointed Craig Fingerman as his Assistant Moderator in the auditorium.

Mr. MacKenzie reiterated the brief review of town meeting rules and practices.

The moderator explained the he would read the consent calendar and any articles that were read could be "held" if two or more voters called for them to be held for discussion when we got to that article.

MOTION: Mrs. Tavernier moves that the Town take up the 18 articles as listed in the consent calendar on pages 44 and 45 of the warrant.

T. M. CC: BOS - FYI GARRY A. RHODES BUILDING COMMISSIONER

TOWN OF ACTON BUILDING DEPARTMENT

472 Main Street

Acton, Massachusetts 01720 (508)264-9632

May 27, 1993

Mr. Robert Moran Acton Toyota 135 Great Road Acton, MA 01720

Re: Sidewalk at 171 Great Road

Dear Mr. Moran:

On October 20, 1992 the Board of Selectmen voted to require you to install the sidewalk at 171 Great Road. This is consistent with the final action of Superior Court which required the sidewalk as a condition of approval of your Site Plan Special Permit when an adjacent property installed a sidewalk.

The sidewalk located at 157 Great Road has been installed. As you are aware, the location of this sidewalk is directly abutting to the South.

As provided for in the decision (and your letter of agreement), it is necessary for you to provide a design and location of said sidewalk prior to installation. Please submit this for the Board of Selectmen's review within 30 days.

Should you have any questions please contact me at 264-9632, Monday thru Friday, 8:00 AM to 5:00 PM.

Sincerely,

Garry A. Rhodes

Building Commissioner

GAR/vjs



WILLIAM F. WELD GOVERNOR

CAROL C. AMICK EXECUTIVE DIRECTOR

THE COMMONWEALTH OF MASSACHUSETTS

LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT BOARD 100 CAMBRIDGE STREET ROOM 903

BOSTON, MASSACHUSETTS 02202 TELEPHONE: (617) 727-6018 FAX: (617) 727-6084

CC: Bos

CONTACT: BEN MCKELWAY (617)727-6018

NEWS RELEASE

RADIOACTIVE WASTE MEETING OPEN TO PUBLIC

Local citizens will have a chance at 7 p.m. Thursday, June 10, to speak up and ask about a set of proposed regulations and policies regarding the management of low-level radioactive waste.

Massachusetts Low-Level Radioactive Waste Management Board members and staff will conduct a public forum at the Harvard Elementary School "Cafetorium," 27 Massachusetts Avenue in Harvard. The event is sponsored by the League of Women Voters.

State and federal laws require the Management Board to decide whether or not the Commonwealth needs to develop a facility for the storage, treatment, or disposal of low-level radioactive waste generated within its borders. The Management Board's draft Management Plan and regulations, as well as draft regulations of the Massachusetts Departments of Environmental Protection and Public Health pertaining to siting criteria and licensing for such a facility, were issued in January and were the subjects of eight statewide public hearings in February and March, 1993. All three agencies recently extended the deadline for public comments on these documents — the deadline is now July 15.

After input from the public, the draft documents will be revised and adopted, and the Management Board will vote on the controversial question of siting a facility in Massachusetts.

(MORE)

NEWS RELEASE FOR MEETING ON RADIOACTIVE WASTE -- PAGE 2

Although comments and questions on any topic will be welcomed at the meeting, the Management Board is attempting to focus on certain topics that have been the subject of many public comments thus far, such as property value protection and the role of local communities in siting a facility. Citizens who want to focus on other specific topics are encouraged to call the Management Board office at (617)727-6018 before the meeting.

Because it comes from a variety of sources, low-level radioactive waste takes many forms. Nuclear power plants generate sludges and metal waste in the course of normal maintenance. Latex gloves and other trash contaminated with relatively low concentrations of radioactivity come from research labs, hospitals, and other facilities. Currently, such waste generated in Massachusetts is shipped to a South Carolina disposal site, but access to that site is only temporary.

Available at the upcoming briefing session, which is open to everyone, the draft documents may also be obtained by phoning the Management Board's Boston office (See number above). Written comments on the drafts should be sent to the following address:

Low-Level Radioactive Waste Management Board, 100 Cambridge Street, Room 903, Boston, MA 02202.

JOHN - #1 COULD DEFINITELY BE A PROBLEM ...

I EXPECT WE SHOULD REVIEW OUR STRATEGY IF NOT FOR FY94 WE WILL HAVE TO DO IT FOR FY95

TOWN OF ACTON BUDGET PREP.

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

cc: Bas - FYI

DATE: 5/27/93

TO:

Don Johnson

FROM:

John Murray

SUBJECT:

FY94 Budget Concerns

PRELIMINARY WARNING!

Based upon the draft of the School Choice legislation and the MMA Alert, there are three items which will cause considerable "town-side" budget problems. They are as follows:

- 1. Both the Governor's budget recommendation and the House Ways and Means' (HW&M's) recommendation, do not fund Chap. 90. As you are aware. in FY93 we received approximately \$295,000 in Chap. 90, and the amount has been relatively constant for the last 3 fiscal years (irrespective of timing). These monies in turn have allowed the "town" annually to take a like amount out of Dick's paving budget as a municipal budget strategy. I believe, that this strategy should be reviewed and that we should consider reallocating monies within the budget that we presented to the Selectmen and Town Meeting, in order to maintain a pavement maintenance program.
- 2. Unlike the Governor's budget proposal, HW&M's proposal does not fund "Payments in Lieu of Taxes" (PILOTS) for state own property. This would represent a local aid cut of approximately \$37,000.
- 3. The School Choice legislation seems to earmark Chap. 70 and this is not problem, but there is reference to lottery monies being earmarked for schools. This may be a problem, dependent on the definition of the phrase ...for use of the schools.... Lottery monies represent approximately \$695,000.



HOUSE BUDGET INCREASES LOTTERY AID BY \$46 MILLION; LEVEL FUNDS LOCAL AID; MAKES IMPORTANT CHANGES TO PROPOSITION 2 1/2; OMITS \$175 MILLION FOR EDUCATION REFORM

The House Ways and Means Committee has released its budget recommendations for FY '94. In general, H. 5200 is a substantial improvement over the budget submitted by Governor Weld.

The House will begin debate on the budget Tuesday, May 25 and intends to complete its deliberations by Friday, May 28.

Please call your Representative immediately and ask him or her to commit to the following key items of the municipal agenda contained in H. 5200. (see the Legislative Bulletin included in this mailing for details of the items listed below)

\$46 million increase in lottery funds.
\$185 million restoration of education funds for FY '94.
The exclusion of a portion of the Overlay account from the limits of Proposition 2 1/2 (Section 127).
The local option increase in the Motor Vehicle Excise Tarate from its current rate of \$25 per thousand to a rate n greater than \$66 per thousand (Section 128).
\$20 million in water and sewer grants for communities throughout the state (Section 90).
Coalition bargaining for health benefits for municipal employees (Section 121). It is vitally important that there are no amendments to this section.

over

While we are pleased that the important items listed above have been included in the budget and we commend the House Ways and Means Committee for its serious recognition of the continuing fiscal crisis cities and towns are facing, we are concerned that H. 5200 does not distribute \$175 million in new education aid that is integral to the implementation of education reform. More ominous, the Ways and Means Committee does not put the education reform money in a reserve. Therefore, if this money is to be distributed, then the legislature must either increase revenues by \$175 million or cut the budget by that amount. If the legislature decides to cut, then it is almost certain that it will have to reduce other local aid accounts.

We are also concerned that the Ways and Means Committee did not include the \$37 million in cash grants for Chapter 90 projects that was part of the FY '93 budget. We will offer an amendment to the budget to have these funds included for FY '94.

In addition, there are three amendments addressing key elements of the municipal agenda that will be offered to the House budget.

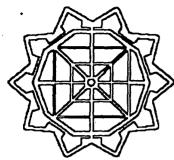
Representative Frank Hynes will offer an amendment to give communities an additional 2 1/2 years to close unlined landfills.
Representative Tom Cahir and Representative Peter Forman will offer an amendment to restore \$6.5 million for reimbursements to cities and towns for state-owned land.
Representative Cahir will also offer an amendment to reinstate the \$37 million cash grant Chapter 90 program that was omitted in H. 5200.

Please ask your Representative to support these three amendments.

Taken as a whole, H. 5200 provides cities and towns with the first flickering glimmer of light at the end of the fiscal crisis tunnel.

Please don't delay. Call your Representative today and tell them of your support for the key items listed above.

NOTE: We will mail your new lottery figure on Monday. If you need it before then, please call the MMA office and we will be happy to give it to you over the phone.



Massachusetts Municipal Association LEGISLATIVE BULLETIN

May 21, 1993

HOUSE COMMITTEE ON WAYS AND MEANS FISCAL 1994 STATE BUDGET RECOMMENDATION/H.5200 BUDGET SUMMARY

General Summary of Appropriation Items

The House Ways and Means Committee has proposed a \$15.6 billion state budget for next year that marks a big improvement for cities and towns over the budget plan proposed by Governor Weld in January. The Committee budget would increase Lottery aid by 14 percent, would level fund school aid by adding back the \$185 million of new fiscal 1993 school aid cut by the Governor, and would fully fund the state's share of the police career incentive pay program. On the down side, the budget plan fails to provide any reserve for new school aid in fiscal 1994 if an education bill becomes law. It also eliminates the payment in lieu of taxes on state-owned land program that was restored in fiscal 1993 and provides no new Chapter 90 grant funds for next year.

General Revenue Sharing Aid and Lottery

The good news is that Lottery aid would increase by \$46 million to \$375 million state-wide under the Ways and Means Committee budget, giving cities and towns 100 percent of the estimated growth in Lottery proceeds. The two other main discretionary aid accounts, Additional Assistance and Chapter 70 School Aid, would be level-funded. Chapter 71 Regional School Incentive Aid would increase slightly on account of new districts. The amounts that each city, town, and school district would receive under these four revenue sharing accounts are specifically set in the budget.

Education-related Aid

The Committee budget for fiscal 1994 would level-fund school aid by restoring to the state budget the \$185 million in new school aid distributed in fiscal 1993. This amount [\$84.8 million on a \$100/student basis and \$100 million through the Equal Educational Opportunity Grant (EEOG) program] was not included in the Governor's recommendation. The Committee did not, however, include a reserve to cover the estimated \$175 million cost of the education bill, including \$140 million of new school aid distributions. Most other accounts were level-funded, including student transportation reimbursements, school lunches, and programs to ensure racial balance. The proposed appropriation for the school building assistance (SBA) program would be up by about 10 percent from fiscal 1993.

Gas Tax Revenue Sharing

The Ways and Means Committee budget would fully fund at \$43.5 million the Chapter 81
Highway Fund Cherry Sheet account that reimburses cities and towns for the cost of construction, maintenance, and policing of local streets.
The Chapter 90 grant program included in the fiscal 1993 state budget at \$36.9 million is not included in the Committee budget. The narrative that accompanied the budget says that the existing Chapter 90 program would be converted to a grant program from a reimbursement-based program for fiscal 1994 and later years. However, there are technical problems with this plan.

Unless amended, it appears that under the Committee budget cities and towns would see no new Chapter 90 grants in fiscal 1994.

Grants and Reimbursements

A variety of Cherry Sheet programs would be increased above fiscal 1993 levels under the House Ways and Means Committee recommendation while others would be cut or eliminated. The police career incentive pay program would be increased by \$2.5 million to reflect full funding of the state's share of this joint state-local program. Aid to public libraries would be increased by \$3.4 million. Reimbursements for veterans' benefits would be cut slightly. The \$6.5 million payment

in lieu of taxes for state-owned land program, which was restored in fiscal 1993 was not included in the Committee budget.

Other State Initiatives

The Committee budget would establish three new programs for community policing grants [\$5 million]; ratepayer relief for water and sewer districts statewide [\$20 million]; and a "Reclaim Our Communities" program [\$500,000] to combat neighborhood crime. The municipal management grant program administered by the Executive Office of Communities and Development would be continued in fiscal 1994.

General	Revenue Sharing	Aid and Lotter	y
Account	Fiscal 1994	Governor	HW&M
Lottery	\$329 m	\$329 m	\$375 m
Additional Assistance	\$478 m	\$478 m	\$478 m
Chapter 70 School Aid	\$898 m	\$898 m	\$898 m
Chapter 71 District Aid	\$100 m	\$100 m	\$102 m

	Education-re	lated Aid	
Account	Fiscal 1993	Governor	HW&M
EEOG	\$205.5 m	\$105.5 m	(\$205.5 m)
\$100/student	\$84.8 m	(\$0	\$84.8 m ->
Regular Transportation	\$57.6 m	\$57.6 m	\$57.6 m
District Transportation	\$26.9 m	\$26.9 m	\$26.9 m
Racial Balance Programs	\$25.3 m	\$26.4 m	\$25.3 m
Lunches	\$5.4 m	\$5.4 m	\$5.4 m
SBA	\$145.6 m	\$164.9 m	\$159.4 m
School Choice			
Reimbursements	\$7.0 m	\$7.0 m \$	7.0 m

· · · · · · · · · · · · · · · · · · ·	Gas Tax Reve	nue Sharing	···
Account	Fisca	l 1993 Go	vernor HW&M
Chapter 81 Highway Fu	ind \$43.1	m \$43.5	m \$43.5 m
Chapter 90 Grants	\$36.9	m \$0 -	\$0
Oti	her Grants and	Reimbursen	nents
Account	Fiscal 1993	Governor	HW&M
Police Incentive Pay	\$11.2 m	\$13.7 m	\$13.7 m
Public Libraries	\$16.2 m	\$16.2 m	\$19.9 m
Veterans' Benefits	\$13.8 m	\$1 3.7 m	\$1 <u>3.1</u> m
PILOT/SOL	\$6.5 m	\$6.5 m	\$0

SUMMARY OF OUTSIDE SECTIONS CONCERNING LOCAL GOVERNMENT

HOUSE WAYS AND MEANS PROPOSED FISCAL 1994 STATE BUDGET

HEALTH CARE

Revised Version of the So-Called Mara Bill (Section 121)

Provides an alternative method of negotiating health care coverage. Allows municipalities to negotiate health care benefits through coalition bargaining. This version allows municipal employer to establish a contribution premium in excess of fifty percent but not more than ninety-nine percent by agreement with the public employee committee. Out of area subscribers unable to be covered by a municipality's providers would be transferred to the state's Group Insurance Commission. This is by far the best version of the so-called Mara bill to date.

Insurance Advisory Committee (Section 118)

Expands membership of municipal insurance advisory committee established under Section 3 of Chapter 32B to include a retiree of a governmental unit who shall be appointed by the appropriate public authority.

Double Health Coverage (Section 119)

Mandates that municipal collective bargaining agreements provide benefits, monetary or otherwise, to an employee choosing to forego coverage under an employer's group or non-group health insurance plan. Currently, municipalities are required to provide alternate benefits for employees covered by a health insurance plan as of July 1, 1992.

PROPERTY TAXES

Index Local Levy Limit to Inflation (Sections 123-126)

Allows municipalities to index local levy limit to an allowable tax growth factor equivalent to the three preceding calendar years' annual index of the Implicit Price Deflator for Consumer Expenditures, provided that the total tax assessment in any fiscal year shall not exceed 105 percent of the preceding fiscal year's levy limit. Must be approved by ballot referendum.

Overlay (Section 127)

Exempts overlay from the calculation of a municipality's levy limit. Amount to be excluded is the average overlay for the three previous fiscal years.

Automobile excise tax (Section 128)

Increases excise tax rate on automobiles from \$25 per \$1000 to \$66 per \$1000.

Property Taxes on "For Profit" Businesses on Public Authority Property (Sections 122, 158, 159, 161, 162, 173-176, 178, and 180)

Allows municipalities to assess property taxes on land leased by authorities, including the MBTA, transit authorities and the MWRA.

SCHOOL RELATED

Teacher Notification (Section 130)

Changes date for notification that a teacher will not be employed the following school year from April 15 to the last work day of the fiscal year.

School Choice Pass Through Account (Section 10)

Limits tuition payment for school choice students to 75 percent of the amount otherwise payable, except for special education students.

"Most At Risk" Schools (Section 15)

Requires education commissioner to designate "most at risk" schools in EEOG communities. School districts must give priority in distributing EEOG monies to "most at risk" schools and develop a plan outlining the use of EEOG grants that will improve learning and performance.

RETIREMENT BOARDS

County and Municipal Retirement Boards (Section 117)

Requires any investment advisor, consultant, broker or other service provider doing business with a municipal or county retirement board to disclose to the board financial interests and notify the board of any conflict of interest that could be expected to impair the ability to render unbiased and objective advice.

TRANSPORTATION

Gas Tax Distribution (Section 50)

Requires Chapter 81 gas tax distributions to cities and towns to be distributed in Fiscal 1994 proportional to the Fiscal 1993 distribution.

MBTA and RTA Operating Cap (Section 51)

Caps operating expenditures of the MBTA and each transportation area and regional transportation authority for Fiscal 1994 at no more than Fiscal 1993 expenditures.

MBTA Assessments (Sections 89, 155 and 156)

Expands MBTA district by to include eightytwo cities and towns rather than sixty-four. Adds 18 communities west and south of Boston. Fiscal 1994 assessment is one-third total assessment, and Fiscal 1995 assessment is two-thirds total assessment.

MBTA Track Removal Study (Section 92)

Directs MBTA to file a report and legislation by November 1, 1993 to facilitate the removal of surface rail tracks in municipal roads. Requires the removal of the surface rail tracks to be conducted concurrently with the municipal resurfacing or improvements on the relevant municipal roads.

WATER AND SEWER

Water and Sewer Rate Relief (Section 90)

Provides funds for water and sewer rate increases due to debt service obligations created

by capitalizing eligible indebtedness (debt issued after January 1, 1992 for water treatment projects and water pollution abatement projects). The eligible indebtedness shall include only indebtedness paid by water and sewer fees. No eligible entity may receive more than 60 percent of the funds. No issuer shall receive relief in excess of 10 percent of its annual debt service obligations due to eligible indebtedness. Funds to be distributed December 31, 1993.

MWRA Timetable Relief (Section 91)

Authorizes MWRA to file a petition with the federal district court requesting a phased approach to the implementation of the timetable of combined sewer overflow controls and other non-sewerage treatment plant projects.

MISCELLANEOUS

Quinn Bill Study (Section 85)

Directs Administration and Finance Secretary to conduct a study of the police career incentive pay program or Quinn bill, including the cost of the program to the state and municipalities, and a comparative analysis of the available incentive pay program salary differentials.

County Corrections (Section 36)

Requires counties to expend from own sources not less than 102 1/2 percent of its Fiscal 1993 expenditures for county jails, houses of correction, and other facilities and functions of the sheriffs' offices.

EOCD Municipal Management Grants (Section 40)

Authorizes the development and implementation of a program of competitive municipal management grants designed to promote economy, efficiency and effectiveness in the delivery of local services by cities and towns. Program emphasis on fiscal management, innovative programs, service cost savings, regionalization, privatization, shared services, collaborative purchasing and professional management. RPA's allowed to directly apply for grants.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 28, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: B+ Restorations

Attached you will find the revised explanatory paragraphs for the B+ Restoration List. These paragraphs were revised in accordance with your suggestions on May 11, with special emphasis on Anne Fanton's recommendations.

This is the information that is available for the public. It was given to the RESTORE group at their request. The ACCORD group has not asked for this information. \land

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: May 5, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: B+ Restoration List (with modifications incorporated as suggested at Selectmen's May 11 meeting)

First, I believe an important point may have been overlooked or misunderstood this year. Questions have come from the Board in the past several days indicating that people clearly do not understand that, at best, the full FY94 A Budget barely represented a maintenance budget. The FY94 B Budget (or even the B+ Budget) represents a clear reduction in municipal services from the FY93 level. Within either of these budgets we had to realign existing appropriation levels (taking from one to pay for another) in order to fund needed priorities. This can be articulated and staff would be happy to do so for anyone who is interested.

Attachment A is the "B" Budget reduction list, which has been reconstructed based upon the input received from the Board of Selectmen on May 4, 1993. At first glance it may appear that neither John nor I calculated the net dollar change correctly, and the total cost of the items the Board of Selectmen suggested to be restored (items located between the dark lines) is in excess of the contingent appropriation. The \$228,372 in restorations is correct because of the \$10,000 unemployment cost item for West Acton Library which will not be needed now (Town

share of lost Override = \$1,550,000 x .3 = \$465,000; \$465,000 - \$219,909 (contingent appropriation) = \$245,091 of cuts under B+ budget. This would limit the B+ cut list to items 1 - 17 plus \$1,719 of item 18 if the Board chooses to restore according to the current priority order.) Further, to facilitate your discussion, we have added an "amount restored" column to the far right of the worksheet.

Listed below are a series of short explanation paragraphs for each item that may be restored:

Items #18 & 22

Highway Paving

The B+ Budget will allow us to maintain funding for highway paving at the FY93 level, which is lower that the level for FY92. difference between the B Budget and the B+ Budget amounts to two (2) roadways worth of repaving. Presently, we are approximately 2 1/4 years behind in our repaving program. The deteriorating condition of our local roads, made worse by a very hard winter, makes maintenance of an already limited paving budget a priority. Without these monies the Highway Department will be allocated just less than 1/2 of one cent per square foot of road surface for pavement maintenance.

Highway Overtime:

Cuts were made in the Highway Department's overtime budget in FY90 and again in FY91. Funding has stayed at these levels since that time. In addition, increasing financial pressures in recent years have caused us to turn more and more to the skills of our Highway Department to construct projects that, in better times, would have been put out to bid. This has proven to be a cost-effective, efficient way to get projects completed that we could not otherwise have afforded. earlier cuts in the budget, however, combined with this use of department staff for other projects, have taken manpower away from the more traditional jobs such as roadside cleanup and other maintenance tasks, the effects of which were readily apparent town-wide last summer. In order to restore some of this lost manpower time to the Highway Department budget, the Town's "A" Budget included a restoration of \$25,000 to the department's overtime account. (Since the "A" Budget was only a maintenance budget, this \$25,000 actually had to be taken from other allocations within the

Town's overall budget.) The \$25,000 is included in the B+ Budget to enable the Highway Department to provide some roadside maintenance.

Item #20 Municipal Property Overtime

The Municipal Properties Department is another example of a department that has sustained substantial cuts over the past several years.

Again, the results of this understaffing have been readily apparent. A nominal amount (\$1,000) is included in the B+Budget to prevent further reductions and to provide a minimum level of maintenance to ballfields, playgrounds and roadsides.

Item #21 Building and Ground Maintenance

Budget reductions in recent years left the Town with a minimal maintenance program for buildings and grounds in FY93. Cuts under the B Budget for FY94 reduce this program almost 30% below the FY93 level. We resisted further reductions in this important maintenance of Town properties for as long as possible before taking

the cuts. These monies represent a very minor preventive maintenance program but deferred maintenance of this type simply cannot be overcome and facilities quickly deteriorate to the point that replacement of elements is necessary as opposed to simple maintenance.

Item #23 Study and Plan for Integration of

Computer Systems

(Also please see separate memo)

Last October, Town Staff
recommended a major program of
intertwining the land use and
financial departments of Town
Government. The cost of this
program was proposed to be bonded
over 5 years and the payback on
this investment was expected to be
only 17 months. The program would
more than pay for itself with the
single largest financial benefit
being an increase in the Town's tax
revenues through the improved
collection of seriously delinquent
taxes.

The recommended integration of the several distinct computer data bases will form the foundation of a decision support system. In addition, the system will decrease the expected amount of tax dollars dedicated to the administration of

Town and School Government, thereby allowing these dollars to provide services that directly benefit the taxpayer. Without the recommended program, Acton will lose an estimated \$2.7 million in potential revenue from tax collections. This will either have to be paid by taxpayers or the Town and Schools will have to further reduce services by this amount. (This is approximately equal to 68 full time positions in the Town and Schools.)

The problems that must be addressed are that our present computer system parts do not "talk" to each other, many functions are not even computerized and we have no decision support system. Our current accounting system is not even tied into other computers at Town Hall, it is based in the Schools. We need a system that will tie in from the time an individual walks into the Planning Department to file for a development, all the way through the collection of taxes on the property and the accounting for that tax receipt. Today, in order to develop an assessment and create a tax bill, we must manually collect information from the Engineering, Building, Planning, Health and other departments and

enter this information separately. The delays and potential oversights in this cumbersome process can cost the Town substantial revenues in the loss of "New Growth" taxes alone.

For the past two years the Treasurer/Collector's office has undertaken an aggressive, labor intensive program to improve collection of delinquent taxes. This has resulted in additional revenues of approximately \$1.2 million that have been used to maintain taxpayer services and reduce tax levies. Over \$2.7 million is still outstanding but it is the more difficult portion of the delinquencies to collect. We cannot maintain the current program without the proposed system. Therefore, we expect to lose the \$2.7 million in revenues if we are not able to go forward with this recommendation.

When this system was recommended in October, the Finance Committee and the School Committees agreed that the required investment was not only prudent but a prerequisite for the financial viability of both the Town and the Schools. Due to the cost and complexity of the integration, however, the Finance

Committee requested that an independent body be hired to review the current situation, devise a definitive plan, write the purchase specifications, and review the bid submissions. The Selectmen, and the School Committees agreed with that request. We have consulted with three national vendors and personnel from Arthur D. Little concerning the approximate cost of a study and plan with the scope of this project. The consensus of all was that we should budget approximately \$50,000 for this purpose.

Item #24 New Traffic Signal

This project is listed as Recommendation #25 in the Master Plan and carries a High Priority designation. The Town has tried for 4-5 years to coordinate a joint project with the private sector to signalize the intersection at High Street/Route 62 because, on average, this intersection has 7 accidents per year, many with personal injury. In addition to the traffic flow that first caused us to place a high priority on this intersection, 2 subdivisions, a seniors' housing complex, and Digital's new corporate headquarters (200 additional

people) have been added to the High Street/Rte. 62 neighborhood. Further, it is our understanding that Maynard may consider a change to their zoning bylaw in order to facilitate the replacement of the Maynard Motel with a high traffic commercial operation.

An initial contribution by DEC funded design of the signal and redesign of the intersection; however, economic conditions have caused most of the balance of the private sector to renege. The Town has gone ahead with its agreement to reconstruct the layout of the intersection.

This funding would provide for installation of signals and result in a significant safety improvement (the West Acton "temporary" light will be utilized).

Item # 25 Replacement of Highway Vehicle

This 1986 sedan will have logged over 100,000 miles when replacement occurs. The transmission was replaced approximately 2 years ago, and the drive train is experiencing problems once again. Brakes have been replaced 4 times and there is

considerable body rust. Due to the marginal mechanical condition of the vehicle, replacement would be cost effective at this time.

Item #26 Replacement of Engineering Vehicle

This 1979 vehicle is critical to the function of our Engineering/Survey crew. The body of the current vehicle is in poor condition and it is not expected to pass inspection this year. Replacement is the only practical alternative.

Item #27 1 FTE Memorial Library

The FY94 B Budget requires a reduction of 1 FTE (Full Time Equivalent) staff person from the FY93 Memorial Library staffing level. The restoration of that 1 FTE will allow the library to forgo closing for an additional 5 hours per week. We feel that the additional reduction in hours that the library is open to the public will continue the downward spiral in the availability of necessary services.

Item #28 1 FTE Planning Department

This is not a new position, it is the replacement of a position that was funded for FY93, vacant due to a resignation and cut under the FY94 B Budget. (The Planning Department has lost 57% of its staffing since 1989 ... from 4.5 FTE's down to 1.5 FTE's.) This position needs to be filled in order to allow the Planning Department to continue its pro-active approach to land planning issues. Due to the increase in development applications, current staff members find that they do not have sufficient time to investigate the availability of grants, maintain the database that was completed in 1989 as part of the Master Plan or maintain the effort that they have expended recently in implementing the recommendations of the Master Plan.

BOS-FYI pe This will be Yoted 2 generally

The Education Reform Act of 1993

Conference Committee Report May 24, 1993

HIGHLIGHTS

The Education Reform Conference Committee today released a conference report recommending passage of the Education Reform Act of 1993. The Education Reform Act represents the culmination of several years of work by legislators, educators, academic experts, business leaders, local officials, parents and students. Today, the Conference Committee puts the legislature one step closer to the successful passage of a comprehensive reform of our public schools.

The report ensures that all of our children will be prepared to compete in the global economy. High academic goals are established for all students. Accountability is demanded of principals and teachers. Parents are empowered to choose to send their students to any public school that chooses to participate in the choice program and to new public charter schools. While schools will be challenged with high standards, accountability mechanisms and competitive pressures to change, they will also be given the flexibility and financial resources needed to meet these goals. Bureaucratic and political barriers to reform are dismantled. Tenure is abolished and school committees are removed from the hiring and firing of teachers. Finally, the Commonwealth commits itself to provide enough funding so that every child can receive a quality education. In making this financial commitment we move away from funding education through the regressive and inequitable property tax.

The Education Reform Act the Conference Committee reports today will be honest, responsible and equitable. The bill will say what we mean, and do what we say. The bill will treat with fairness all the parties who have a stake in our system of public education. The school finance system will create a seven-year plan to address fairly the current inequalities of educational opportunity that exist across school districts in the commonwealth. Finally, the bill should commit the state to a course of action over the next seven years that is both ambitious and attainable.

Some of the highlights of the bill include:

Tough, Measurable Standards

The bill creates high academic standards which detail what our children should know to compete, curriculum frameworks to guide educators in teaching the standards, and advanced performance-based assessments to determine if our children are meeting our lofty goals. Standards will be set in core subject areas of learning, including math, science and technology, English, foreign languages, social studies and history, and the arts. Students will be held

accountable for performance and will be given specific targets to achieve: a determination of competency, a certificate of mastery, and a certificate of occupational proficiency.

Quality Teachers

- O Elimination of tenure With the passage of the bill, teachers will be hired on merit and held accountable for high performance. The present tenure law is eliminated and replaced with a streamlined, inexpensive and expeditious system of arbitration of dismissals before an impartial third party. The standard of review for teachers is "just cause", while the standard of review for principals is "good cause". This system strikes the appropriate balance between the overriding interest of students not to be subjected to incompetent teachers and the significant interest of teachers in fundamental fairness. With these protections in place educators will be free to pursue innovate and creative approaches to teaching without fear of reprisal.
- Collective Bargaining In this draft, seniority is retained as a subject of free collective bargaining allowing school committees and teachers to opt for such a system should they so decide. "Bumping" rights are limited, however, to ensure that only a competent teacher may displace a less senior one.
- O Early Retirement Senior teachers will be allowed to retire early with dignity, allowing school districts to hire new, younger teachers.
- O Professional Development Crucial to the success of this package in setting high standards for student performance, is high quality professional development for teachers and principals, so that they may become the agents of real change. This bill provides substantial state money for school districts, so that all educators in the system may receive continued professional development.
- O Attracting Excellence High quality teachers will be recruited with a state loan repayment program. Eligible candidates will have demonstrated excellence through coursework in higher education.
- O Alternative Certification All educators will be required to maintain professional development in order to retain their certification. In addition, an innovative alternative certification path is statutorily defined to facilitate and encourage the entrance of talented professionals and college graduates into the teaching profession.

Less Bureaucracy, More Autonomy and Accountability

O Principals Principals will be put in charge of their schools with the elimination of school committee hiring and firing. With increased managerial powers over the day to day operations of their schools, principals will be held accountable for performance. Principals are

prohibited from engaging in collective bargaining, but are allowed to negotiate individual employment contracts.

School and Student Accountability School councils will be created to allow parents, teachers, and community members to have a voice in the day to day operations of the schools. Schools and school districts that consistently under-perform will be given a probationary period to improve. Chronically under-performing schools and school districts will be placed into educational receivership. Finally, students will be held to strict disciplinary standards, including expulsion by principals for truly egregious forms of misbehavior such as assault on teachers or possession of lethal weapons or drugs on the school premises.

Investment in our Future

- This draft completely overhauls the way schools are financed in the Commonwealth, doubling the state contribution to education funding over the next seven years. To address the gross inequalities of educational opportunity offered from community to community, all students, regardless of where they live, will be guaranteed at least a "foundation budget" level of spending of approximately \$5550 per student. The foundation amount will vary based on the particular characteristics of each school district, so those schools faced with challenging education problems will have minimum per pupil expenditures well in excess of \$6000.
- This bill also sets a standard of local effort, a uniform statewide expectation of the minimum share local governments are required to appropriate for schools. After meeting this requirement, the municipality will receive aid to fund the difference between this amount and the school district's foundation budget. The standard of effort is set in a responsible manner which recognizes the other funding commitments and fiscal constraints of municipalities.
- Early childhood education This bill establishes as a goal providing early childhood education opportunity for all at-risk three and four year old children in the Commonwealth. Funding to meet this obligation exists within the financial commitment outlined in the bill.
- Costs

 The costs of the package are projected to be within the commitment reached between the House, Senate and the Administration late last year. That commitment was a seven-year plan with substantial annual increases amounting to a total increase of 1.27 billion dollars. All communities will receive this aid in addition to the levels received for education in the Fiscal 1993 budget. Because the Governor failed to provide the \$360 million in his House One budget submission for fiscal year 1994, the bill directs the Secretary of Administration and Finance to re-submit a document detailing how the Governor intends to fund the first year of the package.

Competition and Choice

- O School Choice The legislation creates a state-wide school choice program that mitigates many of the difficulties that have arisen in implementing the existing choose-a-school program. The new program allows parents to send their children, free of charge, to any public school that has space available, and is willing to participate in the school choice program. Funds are transferred to the receiving district, but districts spending below the foundation level that lose students are compensated by corresponding increases in education aid. Transportation is provided so that low income students can take advantage of the program, Participation is limited to 1% of total public school students in fiscal year 1994, increasing over the next three years to 2% in 1997 and beyond. School committees may also opt out of the obligation to admit non-resident students by adopting a withdrawal resolution.
- Charter Schools The bill creates a mechanism for individuals, such as parents, teachers, administrators, business leaders, and others with innovative, alternative educational visions to set up and run public schools outside of the existing educational establishment. Charter school will be laboratories of change, allowing for experimentation to encourage creative ways of addressing the needs of the children of the Commonwealth.

EDUCATION REFORM ACT OF 1993

SECTION-BY-SECTION SUMMARY OF CONFERENCE REPORT

Arts Lottery Proceeds for Children's Trust Fund

Section 1 commits \$600,000 annually in proceeds from the lotteries for the arts to the existing Children's Trust Fund. Present law sets this annual commitment by calculating an average day's proceeds.

Department of Education - Administrative Flexibility

Section 2 promotes administrative flexibility within the state Department of Education by eliminating legal requirements for particular positions, divisions, and bureaus.

Advisory Councils to State Board

Section 3 establishes advisory councils to the state Board of Education on fourteen different subjects, and provides for their appointment by the Board. It includes advisory councils now scattered in various sections.

Repeal of Replaced Provisions

Sections 4 through 13, repeal specific references to advisory councils now established by Section 3, or repeal unnecessarily specific administrative structure requirements consistent with Section 2. Section 10 also repeals special provisions for "most-at-risk" schools, testing for basic skills, and the School Improvement Fund, because these provisions all address subjects now covered in other sections.

Advisory Committee on Educational Policy

Section 14 establishes an Advisory Committee on Educational Policy, to consider issues common to higher and secondary education. The Committee would consist of the executive committees of the state Board of Education and of the Higher Education Coordinating Council, and would replace an existing Committee consisting of the entire membership of those two boards.

Secretary of Education - Powers and Duties

Sections 15 and 16 amend the powers and duties of the state Secretary of Education to reflect the bill's policy. Among other things, the Secretary will now serve on both the state Board of

Education and the Higher Education Coordinating Council, will prepare an annual master plan and make an annual report.

MCET - Statewide Educational Technology Plan

Section 17 requires the existing Massachusetts Corporation for Educational Telecommunication (MCET) to develop a statewide educational technology plan, called "Massachusetts Education-on-Line."

HECC Procedures

Sections 18 and 19 make minor changes in HECC procedures, including defining a quorum as six members and authorizing an executive committee, and requires that the Secretary of Education not serve as chair of the Council.

Chancellor of Higher Education - Appointment

Section 20 provides that HECC, by a two-thirds vote, will appoint the state Chancellor of Higher Education. The Secretary of Education now makes the appointment from three names recommended by HECC.

HECC Statement to Secretary of Education

Section 21 requires HECC to submit its periodic financial and personnel statement, which it now submits to the state Budget Director, to the Secretary of Education as well.

"Attracting Excellence to Teaching" Program

Section 22 establishes an "Attracting Excellence to Teaching" program, whereby outstanding college graduates who choose to teach in the state's public schools may have the state assist them in repaying their student loans.

High School Students - Attendance at Public Colleges

Section 23 allows public high school students to enroll in state colleges and universities and to receive both high school and college course credit.

Regional School Districts - State Payment for Local Mandates



Section 24 applies to regional school districts the state law that now requires the state to pay cities and towns the cost of complying with new state legal mandates.

State Employees as Public School Volunteers

Section 25 allows state employees, with their supervisor's approval, to volunteer in public schools without extra compensation or loss of salary, for as much as seven hours per week.

Local Education Fund Contributions

ABSAF

Section 26 lets cities towns set up voluntary education funds, to provide supplemental education funding for local educational needs. The education fund will be funded by voluntary taxpayer contributions on municipal or motor vehicle excise forms.

Quality Education as Goal of State

Section 27 declares that a quality education providing opportunity to all students to reach their full potential is a paramount goal of the Commonwealth.

Commissioner of Education - Duties

Section 28 sets out the duties of the Commissioner of Education, including preparing budgets, preparing a 5-year master plan, and assessing the effectiveness of public schools. The Commissioner is also directed to develop an action plan to improve alternative education and to assist with school-based management systems.

Commissioner and Board of Education - Duties

Section 29 adds sections 1B to 1K to the state education statute (General Laws chapter 69) establishing the duties of the Commissioner and the Board of Education. Section 1B directs the Board to establish state education policy, administer education grant programs and establish teacher and school performance standards. The Board is also directed to provide assistance to school gifted and talented programs and to monitor school committee compliance with state education laws.

Board of Education - Establish Nutrition Programs

Section 1C of Chapter 69 as inserted by the bill directs the Board of Education to establish minimum nutritional standards for all schools. Schools are required to make lunches available to all students. The Board shall also require public schools with low-income children to participate in school breakfast programs. The state will reimburse schools for free or reduced-price breakfasts provided to students who meet income eligibility guidelines.

Academic Standards and Certifications

Section 1D of Chapter 69 as inserted by the bill directs the Commissioner of Education to develop academic standards for the core subjects of math, science and technology, history and



social science, English, foreign languages and the arts. The standards shall include criteria for a competency determination for tenth graders, a certificate of mastery for superior performance, and a certificate of occupational proficiency for a trade or skill. The section also authorizes a grant program for advanced placement courses and test fee expenses.

Core Subjects Curriculum Frameworks

Section 1E of Chapter 69 as inserted by the bill directs the Commissioner of Education to draw up curriculum frameworks for the core subjects covered by the academic standards, through a consultative process.

Vocational Education Standards

Section 1F of Chapter 69 as inserted by the bill directs the Board of Education to set standards for vocational-technical education and school-to-work transition programs. The Board is authorized to establish demonstration grants and job compact grants.

Extended School Day Pilot Program

Section 1G of Chapter 69 as inserted by the bill authorizes the Board of Education to establish minimum lengths for the school day and the school year.

Adult Basic Education and Literacy Programs

Section 1H of Chapter 69 as inserted by the bill directs the Department of Education to develop an adult basic education and literacy services program. The Department is authorized to provide grants for comprehensive literacy services for persons needing these services, including welfare recipients, trainees, immigrants, migrants and refugees, and school drop-outs under age 24.

School Evaluations

Section 1I of Chapter 69 as inserted by the bill directs the Board of Education to annually evaluate all public schools. The evaluations are to assess student acquisition of the skills called for in the curriculum standards. Student assessments are to be conducted in at least the fourth, eighth and tenth grades. School districts are required to file annual reports on statistical measures and educational programs.

School Underperformance

Section 1J of Chapter 69 as inserted by the bill directs the Board of Education to designate schools as underperforming if they consistently fail to improve the academic performance of their students. Schools found to be underperforming will adopt a remedial plan, and if that is insufficient, extraordinary steps, such as removal of the principal, may be implemented.

Chronic School District Underperformance

Section 1K of Chapter 69 as inserted by the bill directs the Board of Education to designate school districts as chronically underperforming if an independent fact-finding team concludes that the district has consistently failed to improve the performance of students attending school in the district. Such districts shall be placed in receivership. Districts may also be declared chronically underperforming for fiscal reasons if the municipality fails to fulfill its financial responsibilities under the bill. These districts may not have their tax rate approved until the deficiency is made up by the city or town.

Health Education Programs

Section 1L of Chapter 69 as inserted by the bill directs the Board of Education to establish a comprehensive interdisciplinary health education and human service discretionary grant program, which may be funded from the Health Protection Fund which receives funds from the increase in the cigarette tax. School Committees are to appoint Advisory Councils to advise them concerning health education.

Repeal Educational Trust

Section 30 repeals the statute establishing an education trust, in which the Department of Education may receive grants, gifts and bequests. The power of the Department to receive such grants and gifts is transferred to section 1B of chapter 69.

Repeal Bureau of Transitional Bilingual Education

Section 31 repeals the statute establishing the Bureau of Transitional Bilingual Education within the Department of Education.

School Aid



Section 32 contains the funding system for state aid to public elementary and secondary education. For full overview of the section, see the attached summary.

Repeal Equal Education Opportunity Grant Program

Section 33 repeals the chapter establishing the Equal Education Opportunity Grant Program.

School Aid - Technical

Section 34 makes a technical amendment to conform the regional school district law with the amendments made to the school aid program.

School Committee Authority

Section 35 authorizes school committees to hire and fire superintendents, approve budgets and establish educational goals. This section repeals a provision in current law giving school committees "general charge" of their schools, including length of day and year and attendance.

School Discipline Policy

Section 36 authorizes school superintendents to set discipline policies in high schools. The polices shall prohibit the use of tobacco products on school grounds or school buses by anyone, including school personnel, and must include disciplinary procedures assuring due process. The section also authorizes school principals, in consultation with school councils, to prepare student handbooks setting forth discipline policies in high schools. All student handbooks must provide that any student found in possession of a dangerous weapon or a controlled substance or who assaults a school staff member shall be subject to expulsion.

Weapons Reports

Section 37 requires school personnel to report incidents involving a students possession of a dangerous weapon on school premises. Reports are to be transmitted to the local police and Department of Social Services, and students involved shall be referred to counseling.

School Personnel Hiring

Section 38 repeals provisions requiring school committees to vote on the hiring and promotions of all teachers, department chairmen, principals, assistant and deputy superintendents and other positions. It also deletes authority of school committees to hire instructional and administrative aides.

School Personnel Hiring - Technical

Section 39 makes a technical amendment to conform with the amendment repealing school committee approval of teacher hiring.

Teacher Performance Evaluation

Section 40 sets forth policy concerning teacher performance standards and evaluation. Evaluations are to be performed by the superintendent, rather than the school committee as under current law. The section adds principals to the group required to be evaluated. School Committees may prescribe supplemental standards in addition to those established by the Board of Education. The section also provides a binding arbitration procedure if teacher performance standards cannot be negotiated by the school committee and teachers.

School Personnel Certification

Section 41 amends state law regarding personnel certification. The section requires all future Board of Education certified personnel (teachers, principals, superintendents, counselors, librarians, etc.) to pass standardized exams in reading, writing, math and the teaching subject area to receive provisional eligibility. Instructional certificates, good for 5 years, will be granted after training and supervised employment. Teachers must maintain their development of professional skills and subject matter knowledge to renew certificates. The section also requires a person hired as a school nurse to be certified by the Board of Education.

Professional Development Plans

Section 42 requires each school district to annually budget for a professional development plan for all principals, teachers and other professional staff, within the foundation budget. The Commissioner of Education is to assist in the preparation and implementation of professional development plans.

Professional Teacher Status

Section 43 provides that superintendents, upon the recommendation of the principal, may award professional teacher status to teachers and certain other school personnel who have served at least one year in the school. Professional teacher status will replace the current tenure system. This status will not generally apply to principals, however principals who have served over three years may not be dismissed or demoted except for good cause. Decisions concerning principals may be reviewed and may be subject to arbitration. Principals will not be permitted to collectively bargain, but may enter into individual employment contracts.

Professional Teacher Status

Section 44 provides that teachers with professional teacher status may be dismissed for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination, failure to satisfy teacher performance standards, or other just cause, A dismissed teacher may seek review of the dismissal before an arbitrator.

Principal Employment Protections

Section 45 repeals a section in current law which provides that no principal may be dismissed, except for specified good causes, after notice and a hearing, with an appeal to superior court.

Professional Teacher Status - Technical

Section 46 makes conforming amendments to change references to the current tenure system to the professional teacher status when a regional school district is created or abolished.

Teacher Suspensions

Section 47 permits a superintendent to suspend any school district employee up to a month after 7 days notice. The advance notice may be waived for good cause. Suspended employees may seek review of their suspension through an arbitration process.

Teacher Salary Adjustments

Section 48 allows teacher salaries to be adjusted due to reductions in force or reorganizations for academic or budgetary reasons. The section also makes conforming amendments to change references to the current tenure system to the professional teacher status under the bill.

Review of Dismissals - Technical

Section 49 makes technical changes to conform with the professional teacher status sections under the bill.

Superintendents Contract With Coaches

Section 50 provides that superintendents may contract with athletic coaches for up to 3 years. Currently, school committees have that authority.

School Text Selection

Section 51 provides that <u>principals</u>, <u>subject to the direction of the superintendent</u>, <u>shall purchase</u> texts and other school supplies, in compliance with the Uniform Procurement Act. The section also repeals the textbook loan program for private schools.

Duties of Superintendent

Section 52 directs school superintendents to manage school systems consistent with state law and school committee policy. School committees shall approve assistant and associate superintendents recommended by the superintendent, but that approval shall not be unreasonably withheld.

School Principals and Councils

Section 53 inserts two sections to the state public education statute. The new section 59B authorizes superintendents to hire principals, who shall be the managers and supervisors of their schools. Principals shall hire all teachers and other school personnel, subject to the approval of the superintendent. The sections also establish school councils at all schools, composed of parents, teachers, and community volunteers. High School councils include a student representative. The councils will meet regularly with the principal and develop plans for school improvements and to enhance parent participation in the school.

Anti-Nepotism Rules

Section 54 provides that, unless two weeks notice is given to the school committee, school districts may not employ an immediate family member of a superintendent, a central office administrator, or a school committee member, and unless similar notice is given districts also may not assign an immediate family member of a principal to the principal's school.

Authorize Charter Schools

Section 55 provides for the establishment of charter schools in the commonwealth. These <u>tuition-free</u>, public schools would be operated independently of the district's school committee and would have as their goal the creation of innovative educational programs. No more than 25 charter schools may operate in the state, with no more than 5 in Boston and Springfield and no more than 2 in any other city. The total number of students enrolled in charter schools is limited to .75% of total public school enrollment.

Define Vocational-Technical Education

Section 56 defines in the law the term "vocational-technical education," to refer to educational programs which prepare students for both employment and continuing academic and occupational training.

Vocational-Technical Program Approval

Section 57 directs the Commissioner of Education to favor an outcome-oriented approach for approval of vocational-technical programs and to consider a program's intention to integrate vocational and academic instruction to train students in all aspects of a chosen industry.

Regional Schools - Conforming Amendment

Section 58 amends the regional vocational school statute, to conform it to the school choice provisions of the bill.

Vocational-Technical School Aid

Section 59 repeals the current law setting out the requirements for state aid for vocational-technical education.

Professional Teacher Status - Technical

Section 60 replaces tenure for teachers at vocational schools with the new professional teacher status created by this bill.

School Choice



Section 61 creates a state-wide school choice program that mitigates many of the difficulties that have arisen in implementing the existing choose-a-school program. The new program allows parents to send their children, free of charge, to any public school that has space available, and is willing to participate in the school choice program. Funds are transferred to the receiving district, but districts spending below the foundation level that lose students are compensated by corresponding increases in education aid. Transportation is provided so that low income students can take advantage of the program. Participation is limited to 1% of total public school students in fiscal year 1994, increasing over the next three years to 2% in 1997 and beyond. School committees may also opt out of the obligation to admit non-resident students by adopting a withdrawal resolution.



School Employee Collective Bargaining

Section 62 defines the chief executive of the city or town as a voting member of the school committee, for school employee collective bargaining.



Create Right of Action to Force School Funding

Section 63 allows the Attorney General or any ten citizens of a municipality, to bring a suit in the superior courts or the Supreme Judicial Court to require the municipality to appropriate the amount required under the law to support public education.

Repeal Tenure Grandfathering for Superintendents

Section 64 repeals a special law that grandfathered tenure rights for those superintendents that had them in 1972, when superintendent tenure was abolished. This section is made effective as of July 1, 1994.

ESL Teachers - Technical

Section 65 repeals a special law that grandfathered teachers of English as a second language who held approval to teach prior to the enactment of a law requiring certification, since that language has been put into the General Laws by this bill.

Repeal Emergency School Aid Repayment Requirement

Section 66 repeals the requirement that cities and towns that received emergency school aid loans in 1991 repay those loans to the state.

Exempt Bill from Local Mandate Provisions



Section 67 exempts this education reform bill from the General Law requirements pertaining to local mandates imposed by the state.

State School Spending Increases

Section 68 sets out the dollar amount by which state spending shall increase, subject to appropriation, for school aid and other educational purposes defined by this bill, for the years 1994 through 2000.

Pending Teacher Dismissal Cases

Section 69 requires that teachers' appeals of terminations that were brought before the trial court prior to this bill's enactment into law may continue to proceed and be adjudicated under the law as it stands, prior to changes made by this bill.

Pre-School for Low-Income 3 and 4-year-olds

Section 70 establishes a special commission to develop a plan to provide pre-kindergarten children ages three to four the opportunity to participate in a developmentally appropriate early childhood education program. The Commission is to report on its proposal, including costs associated with its recommendations and the funding sources, by April 30, 1994. The Commission includes two Senators, three Representatives, administration education and human services officials, and representatives of various private groups concerned with early childhood education.

Health Education Programs - Survey and Model Programs

Section 71 requires the advisory council for health education and human services programs to survey all school districts' health education programs, as well as those outside the state, and to study trends in health education and human services for public school students, and to report to the Board of Education its findings by December 31, 1993. Thereafter, the council is to develop a model program annually for use by school districts.

Eliminate "General Track"

Section 72 requires all school districts to submit to the Board of Education by September 1994 a plan to eliminate the "general track" in all public schools, and come up with alternative educational opportunities for students, such as apprenticeships, job corps type work, college preparatory programs or vocational technical education.

Study - Special Education Services

Section 73 requires the Board of Education to complete a study by December 1993, to determine the special education services being provided in the state and their associated costs. The study is to recommend alternative methods for providing medical and related services that would reduce costs to local school districts.

Special Commission - Bilingual Programs

Section 74 establishes a special commission to study the effectiveness and extent of bilingual education programs in the state, and to submit recommended improvements by December 1, 1993.

Working Committee - Adult Education

Section 75 requires the Department of Education to convene a working committee to come up with adult education funding mechanisms, and submit its recommendations by October 15, 1993.

Zacharias Project

Section 76 establishes a public corporation, the Zacharias Project, to improve the quality of the public schools by involving designers of curricula, instructional aids, including textbook and software publishers, with teachers and university professors. The goal is to keep the schools' curricula and instructional materials of cutting-edge quality, and to attract investors and purchasers from out of state in new Massachusetts-based initiatives in these areas.

Collective Bargaining - Prospective Effect

Section 77 protects collective bargaining agreements in effect on the effective date of this bill from being impacted by the repeal of tenure, and the creation of sanctions associated with working in "chronically underperforming" schools or school districts. Subsequent collective bargaining agreements would be subject to these provisions.

Plan - Professional Development

Section 78 requires the commissioner of education to file with the Legislature by June 1, 1993, a plan to carry out state assistance for teacher and principal professional development.

Education Reform Review Commission

Section 79 establishes an education reform review commission to monitor the state's efforts in carrying out the reform called for in this bill, and the extent to which these efforts have improved public education in the state.

Plan - Extend School Days

Section 80 requires the Board of Education to prepare a plan, by January 1, 1995, to extend the time during which students attend school, reflecting with what other advanced industrial countries do.

Deadline - Student Academic Standards

Section 81 requires the Board of Education to establish the student academic standards called for in this bill no later than January 1, 1995.

Effective Date - Certificates, Competency Determination

Section 82 establishes that the academic criteria for competency determination, the certificate of advanced mastery and the certificate of occupational proficiency established by this bill shall apply to students entering the ninth grade in September 1993. However, the competency determination is not to be a condition of high school graduation until the school year beginning in September 1998.

Early Retirement for Teachers

Section 83 provides an early retirement incentive for public school teachers (both those in the Teachers' Retirement System and those in the City of Boston Retirement System) who have worked for at least 20 years. The incentive plan must be accepted by the locality, and the number of teachers eligible statewide is capped at 2,500 in each of 1993 and 1994.

Outreach to Parents of 1-3 year olds

Section 84 directs the Department of Education to set up a demonstration project by September 1994, to assess various methods for doing outreach and education with parents of children of one- to three-year-olds. A method is to be implemented by January 1, 1997.

Deadlines - Curriculum Frameworks

Section 85 requires the commissioner of education to establish frameworks for curricula in math, science and technology, English, foreign language, history and social science, no later than January 1, 1995, and for the arts, no later than January 1, 1996.

Grant Program - Drug Prevention Education Programs

Section 86 establishes a discretionary state grant program, under which cities and towns would get 50 percent of one police officer's salary to set up drug awareness and resistance programs in middle schools, taught by local and state police officers.

Study - Boarding School for Dropouts and Delinquents

Section 87 requires a panel to study the establishment of regional boarding schools and other educational alternatives for dropouts and students who are chronically disruptive, and whose disruption is not due to a handicap or other special needs. The group is to submit its findings to the Legislature by October 1, 1993.

School Safety Training Program

Section 88 requires the Attorney General to set up, and the district attorneys to coordinate for their districts, a training program on school safety and the law for school employees.

Grant Program - Conflict Resolution

Section 89 sets up a discretionary grant program for conflict resolution and peer training among high school students. The grant would fund 50 percent of the cost of student initiatives in this area.

Deadline - Principal Certification

Section 90 requires the Board of Education to establish new standards for certifying principals, and procedures for re-certifying existing principals, by June 1, 1994.

Attracting Excellence to Teaching Program - Guidelines

Section 91 requires the Higher Education Coordinating Council to issue guidelines for the Attracting Teachers to Excellence program by January 1, 1994.

Certification of School Nurses - Application

Section 92 states that the provisions of this bill requiring certification by the Board of Education for school nurses does not apply to people who are working as school nurses as of the date this bill becomes law.

Commission on Regulatory Relief in Education

Section 93 creates a commission on regulatory relief in education, which is to review all statutes and regulations pertaining to education and make recommendations to reduce, simplify or eliminate them, or ease their administration.

Study - School-Based Centers for Human Services

Section 94 requires the departments of Mental Health, Mental Retardation, Social Services and Youth Services to study and develop a plan, by December 1993, to spend between one and two

percent of their budgets on providing services in school-based centers.

Authorize CORI Access for School Superintendents

Section 95 gives school superintendents access to the criminal offender record information database to seek information on employees, prospective employees and contracted non-employees who have frequent contact with students.

State to Pay Tuition for State Wards

Section 96 requires the state to pay the tuition for its wards who are placed in schools outside their home town.

Boston - School Superintendent Law

Section 97 requires Boston to continue to abide by the terms of a special law establishing the authority of the Boston school superintendent, regardless of any requirements in this bill to the contrary.

Workforce Development Plans

Section 98 directs Regional Employment Boards to work with high schools and vocational-technical schools to plan for transitioning students into the workforce. In addition, Workforce Development Strategic Plans are to be submitted annually to the MassJobs Council, including comprehensive school-to-work policies.

Affirmative Action Policy

Section 99 requires an affirmative action policy for all programs undertaken in connection with this bill, and sets up a process for dealing with noncompliance.



A&F to Revise Governor's Fiscal Year 94 Budget

Section 100 directs the Secretary of Administration and Finance to submit to the House and Senate Ways and Means Committees specific revisions to the Governor's Fiscal Year 1994 budget submission, to reflect provisions of this bill, such as the increase in education aid and the cost of early retirement for teachers, in order to ensure the budget is balanced. The revisions are to be submitted the day after the act becomes law.

Adult Resources Ratio Task Force

Section 101 directs the Board of Education to establish an advisory commission on the student to adult resources ratio. The commission will file annual reports on compliance with class size regulations.

Municipal Finance Task Force

Section 102 establishes a municipal finance task force to examine the delivery and financing of municipal services.

女

Effective Date - Certification Provisions

Section 103 sets an effective date of January 1, 1994 for the provision repealing a special law that grandfathered tenure rights for those superintendents that had them in 1972, when superintendent tenure was abolished.

Charter Schools - Effective Date

Section 104 establishes the fall of 1995 as the opening date for charter schools.

School Choice - Transition Provisions

Section 105 delays certain deadlines in the school choice statute for 1993.

School Aid: Description of Foundation Funding System

Overview:

The school finance section amends Chapter 70 of the General Laws to create a new structure for financing public education. When fully funded, the new Chapter 70 will provide every district with the financial resources to provide a quality education to every child. Meeting this goal will require an increase in annual state aid of \$1.1 billion phased in over seven years, in addition to regular increases for inflation.

For each district there will be a foundation budget, based on demographic factors, that will describe the amount of money needed to educate the children of that district. This foundation budget will average \$5,550 per child, and will be higher in districts where demographic factors increase the costs of education. It will be the responsibility of the state to make sure every school district will have this amount available to fund its schools.

While the total burden statewide on cities and towns for education will not increase, there will be changes in how that burden is allocated. A standard of effort, reflecting property wealth and average income, is defined for each city and town. Those spending above the standard of effort will be given the freedom to reduce spending and those below the standard will be required, gradually, to increase their support for education. The increases will be phased in at the same rate as the state's new funding commitment. In any year in which the state fails to meet its new funding commitment, the local obligation will be reduced proportionately.

O New state aid: In addition to the base aid amount that communities received last year, four new aid categories will be created: minimum aid of fifty dollars per pupil above the base amount every year, and an additional \$25 added each year after 1994; foundation aid; tax equity aid; and overburden aid. Foundation aid, tax equity aid and overburden aid will be phased in over seven years. The descriptions that follow explain how the final amounts will be calculated. Each year a larger portion of that final amount will actually be distributed.

Foundation aid will fill the gap between the amount a municipality can raise when it appropriates all existing state aid for education and taxes at the standard of effort and the amount needed to fund the foundation budget for every student in that system.

Tax equity aid will provide relief to municipalities that contribute more than the amount required by the standard of effort. This aid will compensate communities for taxing over the standard of effort to the degree that such additional effort provides revenues needed to spend at the foundation level.

Overburden aid will assist those cities for whom the burden of providing for adequate public safety and other essential non-education expenses makes it impossible to meet the standard of effort. These communities will be required to increase their local contribution each year at a rate determined as the maximum increase they can afford. If this contribution is not enough to meet the standard of effort, overburden aid will help to close that gap.

O Required local contribution: Local funding obligations will be affected in two ways: a standard of effort will be established to assure that local tax burdens are equitably distributed between municipalities, and a municipal revenue growth factor will be established so that

education spending keeps pace with the growth in local revenues.

The standard of effort will require that every community make a reasonable contribution towards financing its schools. The standard of effort will be \$9.40 per thousand dollars of adjusted equalized property values in that municipality. The adjusted equalized property value amount reflects property values and incomes in each municipality. Those communities below the standard of effort will be required to fill their standard of effort gap only at the same rate at which the state fills the foundation gap. Cities with property values and wealth levels too low to afford this increase will receive overburden aid to assist in closing the standard of effort gap.

Each year the standard of effort will grow at the rate of the municipal revenue growth factor. Thus municipalities spending at the standard of effort will have to increase their spending on education at essentially the rate at which local revenues can grow. But this rate of increase will be further limited by the condition that it shall not be greater than the increase in statewide education aid provided by the Commonwealth.

Those municipalities spending over the standard of effort will be allowed to reduce their contribution to the level of the standard of effort.

O Regional schools: Foundation budgets will be established for regional schools as well. They will be funded in the same manner as other schools, except that the municipal contribution will be spread across the various member municipalities. In the first year of the implementation of the new Chapter 70, the regional aid distributions will be updated. Each district in existence by the end of Fiscal Year 1993 will receive at least 76% of the total amount described in the existing regional aid formula. After the first year, this amount will be provided every year, and new aid will be determined in accordance with Chapter 70.

472 Main Street Acton, Massachusetts 01720

(508) 264-96**36**

May 28, 1993

George Marcou, AICP Deputy Executive Director American Planning Association 1776 Massachusetts Avenue, N.W. Washington, DC 20036

REGARDING: Our Request for APA Amicus Curiae in DiDuca v. Town of Acton & DiDuca v. Planning Board of the Town of Acton.

Dear Mr. Marcou:

This is to confirm that the Acton Board of Selectmen on May 25, 1993 voted to proceed with the appeal on both of the above referenced cases.

For the Town of Acton the stakes are now high and the Town would greatly appreciate the assistance of the American Planning Association. Our Town Counsel in this matter is Acheson H. Callaghan, Esq., Palmer & Dodge, One Beacon Street, Boston, MA 02108, Tel: (617) 573-0178.

Enclosed are the notices of appeal. The time clock for filing any briefs has not started at this time. It will begin to run from the date when the Land Court enters the case in the Appeals Court. This will probably happen in a couple of weeks or so. All briefs must then be filed within 40 to 50 days thereof. Please feel free to contact Mr. Callaghan or me with any further question you may have.

Thank you for considering our request for your assistance.

Sincerely.

Roland Bartl Town Planner

cc: VDon P. Johnson, Town Manager

Acheson H. Callaghan, Esq., Palmer & Dodge

Cand Barke

Acton Planning Board
Ralph Willmer, President Massachusetts Chapter APA

David Soule, MAPC

[RHB.ZONE.93*17]

CC: BOS-FYL

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

May 28, 1993

David Soule Executive Director Metropolitan Area Planning Council 60 Temple Place Boston, MA 02111

REGARDING: DiDuca v. Town of Acton & DiDuca v. Planning Board of the Town of Acton.

Dear David:

The Acton Board of Selectmen on May 25, 1993 voted to proceed with the appeal on both of the above referenced cases. Enclosed please find Land Court Judge Sullivan's decision, and my April 28 letter to George Marcou, Deputy Executive Director of the American Planning Association in which I attempted to highlight the problems of the judge's decision. The Town of Acton very much hopes that the APA will support its position with an amicus brief.

Bringing these cases to an appeal gives them a much higher profile. Therefore, it is important that we supply the Appeals Court with much information and advise that will help it make a decision in support of good and pro-active planning and zoning. Any assistance from the Metropolitan Area Planning Council will be extremely helpful. I believe that a regional perspective on this matter is very important.

Please let me know if you have any questions concerning this issue and inform me of what MAPC's course of action will be. I expect that the cases will be entered in the Appeals Court in a couple of weeks or so. From then we will have 40 to 50 days to file briefs. You may also direct any legal or procedural questions to Acton's Town Counsel: Acheson H. Callaghan, Esq., Palmer & Dodge, One Beacon Street, Boston, MA 02108, Tel: (617) 573-0178.

Thank you for considering this request.

Sincerely.

Roland Bartl

Town Planner

cc: ✓ Don P. Johnson, Town Manager

Acheson H. Callaghan, Esq., Palmer & Dodge

Acton Planning Board

George Marcou, Deputy Executive Director, APA

Ralph Willmer, President, Massachusetts Chapter APA

[RHB.ZONE.93*17]

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

May 28, 1993

Paul Halkiotis
Chairman, Massachusetts Association of Planning Directors
Town of Orleans
19 School Road
Orleans, MA 02653

REGARDING: DiDuca v. Town of Acton &

DiDuca v. Planning Board of the Town of Acton.

Dear Paul:

The Town of Acton has been in litigation in the above matter for a number of year and lost the first round in Land Court. It will now go to the Appeals Court. For your information I enclose the Land Court decision and a letter to George Marcou in which I attempted to highlight the problems with judge's decision. Acton has requested a amicus brief from the national APA as well as from MAPC.

I am sending you this letter because I think additional support from the Massachusetts Association of Planning Directors would be very useful and because the judges decision as it stands now should raise serious concerns for Massachusetts planners. I understand that this may be an unusual request to MAPD. Nevertheless, I hope you will consider it favorably. MAPD's assistance would be greatly appreciated, possibly in a joint effort with MAPC and APA. I expect that we will have at most 2 months time to file any briefs with the Appeals Court. Please call me if you have any questions concerning this matter and to let me know what your course of action might be.

Sincerely,

Roland Bartl
Town Planner

∞ VDon P. Johnson, Town Manager

Acheson H. Callaghan, Esq., Palmer & Dodge

Acton Planning Board

Roland Barte

George Marcou, Deputy Executive Director, APA

Ralph Willmer, President, Massachusetts Chapter APA

David Soule, MAPC

[RHB.ZONE.93*17]

ACTON HISTORIC DISTRICT COMMISSION MINUTES • MAY 4, 1993

- Present: Christopher Dallmus

Ann Forbes Whit Mowry Michaela Moran Tom Peterman



accepted

Meeting was called to order at 7:40 pm. Minutes of April 5, 1993 were accepted as corrected.

ANNOUNCEMENTS

- Changes to zoning bylaw have been input into the file to reflect changes which were made at the town meeting.
- Michael Lynch is being interviewed this evening by the Volunteer Coordinatens

 OMMITTEE

 Commission.
- West Acton Traffic Light. Work has commenced at state level on light installation. AF
 has sent letter to Massachusetts Historical Commission notifying them of
 commencement of this work and requesting direction, if any. Also sent letter to state
 engineer.
- Anne Forbes will be representing the HDC at the next West Acton Village Planning Committee meeting on May 4th. There is local interest in expanding the historic district. A study would need to be performed by a study committee. AF will ask them to formulate such a committee with representation by the HDC.

PRELIMINARY DISCUSSION

Acton Congregational Church
Don Gilberti, Jim Furneaux, Peter Bollier

Church is under agreement to purchase 20 Concord Road. Presentation of (2) goals for adaptive reuse.

Proposed Work

1. The intent is to use structure with no exterior changes and with parking to the rear of the structure. Looking to alleviate center congestion and use of on-street parking. Residence built in 1846. Inspection report recommends demolition to existing garage due to present poor condition. Shed addition is garage circa 1930. Garage is circa 1858.

Lane is not owned by Mrs. Walker, although there is speculation that the church owns lane. The engineering firm of Stamsky and McNary prepared a parking plan. The intent is to leave the front of structure as is. Total spaces, 53, including handicapped spaces.

Attempt is to get parking off Concord Road. Church wants to maintain the historical integrity of the district.

"No asphalt jungles"

"We do not want to see the land raped"

Presented history of approach to landscaping with photos of existing plantings on church property.

Possible use of structure

Options: Meeting Room

Office Classrooms

Front of house is to remain as is. AF discussed the HDC's jurisdiction with this project relative to demolition, fencing, and alterations to the structure.

~ TOM POTORMON POTATED OUT THE INAGILITY TO SCROON THE PARKING KET PUBLIC HEARING FROM CONVERT IO NOAD WITH THE PRESENT PLAN.

Jeanette Van Hee **62 River Street**

APPL# 9302

8:52

Proposed Work

1. GAF Fiberglass shingles

2. Windows to be simulated divided lite to match existing conditions.

Abutter: Grace Linscott (111-113 School Street)

Blue Rock Road

RR2 Box 149E

Albany, VT 05440

She has no objections to the application

Comments

CLD requested elevations describing the proposed work.

- Trim to match existing

- Overhang to match existing

- 1x trim is acceptable at window and door trim condition

- Chimney to be stainless steel

- Deck to match the west elevation deck

- Roof -GAF fiberglas shingles

- Ridge Vent profile to run to rakeboard gable end

- Applicant to spec windows

- Whit Mowry presented the following motion for conditional approval: To conditionally approve the plans as presented because basically all conditions have been met excepting placement, size, specifications, and manufacturer of the east and west dormer windows. Upon submittal of the revised specs and drawings of dormer window to chairman, with chairman approval, commission approval will be given. (Section 7.5 and 7.5.1)

Approved by unanimous vote

GÉNERALNOZE

CLD presented, for general discussion, that the approval of this application without completed elevations must not become precedent setting on future applications. It shall be the duty of the applicant to present and accurately describe the project intent. This matter will be discussed at the next HDC meeting.

Application #9303 Karen LaRoche 556 Mass. Ave. John Buczynski

Application is within our jurisdiction. Advised of procedure and \$15 application fee. Presentation for new sign and awning.

#9303A 29" x 40" Sign.

Three color sign, beige, light blue, and peach.

Letters beige and peach, outlined in black. White background, wood sign, 1" plywood. Placement to match existing. Posts painted white, balls white.

#9303B Awning

Pink with white lettering. On review with G. Rhodes, a sign and awning sign, are acceptable. Awning to match present configuration.

Comments

Unanimous vote for issuance of Certificate of NonApplicability on #9303B for replacement of awning in same configuration in different colors but without lettering, logo, or trademark. Inclusion of lettering, logo, or trademark would require HDC approval.

On Application #9303A, applicant was requested to provide signmakers drawing describing proposed sign, letter style, and color. Public hearing scheduled for May 17, 1993 at 7:45 pm.

Meeting Adjourned at 10:30 pm

Respectfully submitted,

Christopher L. Dallmus, AIA



TOWN OF ACTON BUILDING DEPARTMENT

COPY

GARRY A. REODES BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720

(508)264-9632

May 25, 1993

Philip C. Lombardo, Jr. Hutchins, Wheeler & Dittmar 101 Federal Street Boston, MA 02110

Re: Mobil Oil Corporation, 553 Massachusetts Avenue Sign

Dear Phil:

I am in receipt of your May 21, 1993 letter and enclosed drawings. I am surprised to find that the proposed sign has been shown as a plastic sign with internal illumination.

Approximately six months ago we met with Don Higgins in my office. It was my impression that we agreed that the sign would be constructed with wood. We also agreed, at that meeting, to wait until spring Town Meeting as the sign bylaw was going to be changed to allow signs of three colors with either a light or dark background. The Town Meeting did change the bylaw, as I indicated.

The proposed sign, as shown in drawings, is twelve feet long. The largest sign permitted by the bylaw is a monument sign 4'6" wide and 7'6" high with a total display area of 32 square feet.

Phil, I feel that unless you can propose a sign that is constructed of wood and does not exceed 4'6" wide, 7'6" high, and does not exceed 32 square feet, we are at an impasse. Any sign in excess of those requirements exceeds the limits that the Town can approve.

I would appreciate a decision within thirty (30) days. If we cannot agree, the Town Manager will need to be notified so that the Town may proceed with the appeal process.

Sincerely,

Garry A. Rhodes

Building Commissioner

GAR/vjs

cc: Town Manager

HUTCHINS, WHEELER & DITTMAR A PROFESSIONAL CORPORATION COUNSELLORS AT LAW

IOI FEDERAL STREET
BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 951-6600 TELECOPIER (617) 951-1295 TELEX 94-0691 In Falmouth 159 Town Hall Square Falmouth, Massachusetts 02540 Telephone (508) 540-6303

May 21, 1993

Gary Rhodes Building Commissioner Acton Town Hall Acton, MA 01720

Re: Mobil Oil Corporation - Mass Ave. and South Main Street

Dear Gary:

Enclosed herewith please find a copy of a colored photo rendering of the monument sign as well as a scaled drawing for Mass Ave. Please give me a call to discuss the sufficiency of these drawings with respect to filing before the Historic District Commission.

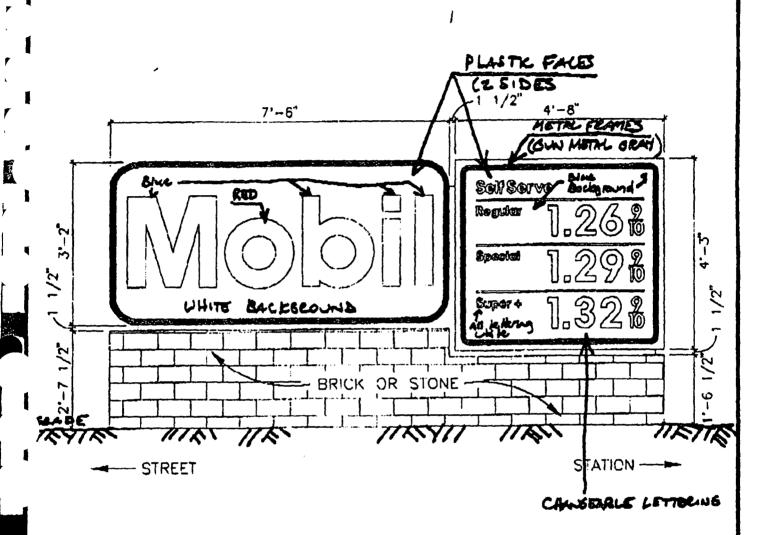
As for the \$750.00 check, I have asked Frank Quigley to provide a copy of the cancelled check and I will contact you the instant I receive it.

Please give me a call if you have any questions.

Philip C. Lombardo, Jr.

cc: Frank Quigley (w/encls.)

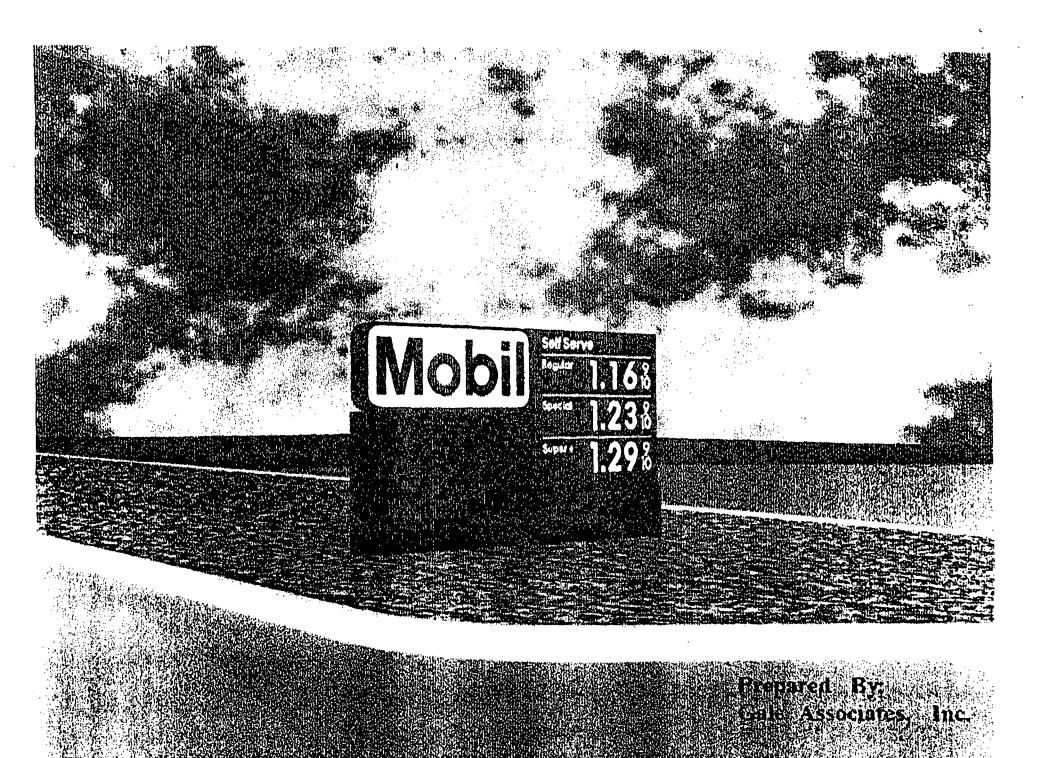
PCL/hac/8804z



7'-6" ID w/TYPE "B" PRICE MONUMENT SIGN

NOT TO SCALE 7'-6" ID = 23.8 sq ft. PRICE SIGN = 19.8 sq. ft.

PREPARED BY: GALE ASSOCIATES, INC. CADD FILE: MONSIG DWG



Gale Associates, Inc.

Eight School Street • P.O. Box 890021 • Weymouth MA 02189-0001 (617) 337-4253

-U-40MII GHLE MOOULL/ (0.1700) 4400

GALE

FAX: (617) 337-9785

EAX TRANSMITTAL

No. of Pages Cover Sheet	Including
-	

REQUIRES IMMEDIATE DELIVERY

TO: PHIL LOMBARDO)	From:	7	ack oleney
Company HETCHINS, WHEE	ee, 4 DITMAR	Date:	5/	21/93
Fax No.:		Job No.:	•	205050
Message: RE : M	OBIL, MA	SJ. AVE.	. /	ACTON
			7	

ATTACHED IS A MARK-UP OF THE MONUMENT SIGN DETAIL. LET ME KNOW IF THE INFORMATION EHOUN IS SUFFICIENT FOR YOUR FILING. ALSO, THE SIGN IS TYPICALLY ILLUMINATED INTERNALLY - SHOULD I INDICATE THAT ON THE PLAN?

DUE TO SCHEDULING CONCERNS, I MAY NOT BE ABLE TO HAVE THE CHANGES DONE WITL MONDAY.

- JACK

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone. Thank you.

Other Locations:

106 E. Preston Street • Baltimore, MD 21202 (410) 625-1714 FAX: (410) 615-3809 62 Hypolita Street • St. Augustine, FL 32085 (904) 823-1133 FAX: (904) 829-1806 24 Main Street • Yarmouthport, MA 02675 (508) 352-8902 FAX: (508) 362-5267



RECEIVED & FILED

DATE May 36, 1993

Barbora Brown
Jostown CLERK, ACTON

MASSACHUSETTS

BOARD OF APPEALS DECISION OF THE TOWN OF ACTON ZONING BOARD OF APPEALS

MAY 2 4 1933

Decision No. 93-5

A public hearing of the Board of Appeals was held in the Town Hall on Monday, May 3, 1993 at 7:30 p.m., Room 126, Acton, MA on the petition of Anne E. Jones, Executrix of the Estate of William Jones, 25 Adams Street, for a PETITION FOR VARIANCE from the Zoning Bylaw, Section 5, to allow construction of a single family residence on Lot 9 (#21) Adams Street, Map J3/Parcel 28, with less area than currently required in an R-4 District.

Present at the meeting were Board Members Matt Mleziva, Chairman; Malcolm Burdine, Clerk; Beatrice Perkins, Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Anne E. Jones, Petitioner; Charles Orcutt, Attorney; Maureen Jones; Lois Musser; Barbara and Bruce Hettick; Terry and Sue Spencer; Kim Jones; Julian and Laura Horn; Steve Weinberger; Yih-Yih, Lin; Greta, and Chin-She Lin; Joan and Carl Johnson.

Mr. Mleziva opened the hearing, introduced the Board Members, explained the hearing procedure, read the file contents and explained the hearing procedures.

The Board of Appeals, after considering the materials submitted with the petition; together with the information developed at the public hearing, finds that:

- (1) The petitioner is seeking a Variance from the provisions of the Town of Acton Zoning Bylaw in order to build a single family residence on (Lot 9) #21 Adams Street, Acton, MA.
- (2) The property is located in an R-4 Residential District. The Table of Standard Dimensions contained in the town's bylaw requires that a buildable lot in an R-4 District must have a minimum lot area of 40,000 square feet and frontage of 175 feet.
- (3) The present lot has an area of approximately 21,525 square feet and approximately 213 feet of frontage.
- (4) The property has an irregular shape and slopes severly down towards Adams Street.
- (5) The property was acquired by the decedent (William R. Jones) from his parents in 1970. This acquisition occurred at least 7 to 8 years after action by the Town of Acton Planning Board's approval of a plan. Petitioner did not state whether the approval was for an ANR Plan or Subdivision Plan.



MASSACHUSETTS

BOARD OF APPEALS

- (6) The present petition is being brought by the Executrix of the Estate of William R. Jones. The beneficial and legal owners appear to be the deceased's daughters by way of a disclaimer under the provisions of Massachusetts law duly recorded in the Middlesex Registry of Deeds.
- (7) In December 1963, the Town changed the Zoning Bylaw to increase the frontage and area.
- (8) The proposed request for a Variance would not be consistent with the Town of Acton Master Plan.
- (9) The payment of estate or inheritance taxes do not constitute a hardship of the nature contemplated by the Massachusetts Zoning Act, General Laws Chapter 40A.

Based upon the above findings, the Board of Appeals concludes that:

- (1) Granting the proposed request for a Variance would not be consistent with the Town's Master Plan, and would nullify or substantially derogate from the intent and purpose of the bylaw.
 - (2) No hardship exists.
- (3) This is an irregular shaped lot with topographical conditions that affect the lot and not the general zone.

Based upon the above conclusions, the Board of Appeals voted unanimously to <u>DENY</u> the request for a Variance.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON BOARD OF APPEALS,

Matt Mleziva, Chairman

Malcolm Burdine, Clerk

Beatrice Perkins, Associate Member



MASSACHUSETTS

BOARD OF APPEALS

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on Lay 20, 1993.

Valerie Sipprelle) Secretary Board of Appeals



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection Central Regional Office

William F. Weld

Daniel S. Greenbaum

CC: BOS D. HALLEY

May 21, 1993

Dufresne - Henry, Incorporated Westford Office Park - Suite 1A 239 Littleton Road Westford, MA 01886 ATTN: George Allan Sr., Vice President

RE: ACTON - Conant II
Wellfield - Zone II

Dear Mr. Allan:

A review by Water Supply personnel was conducted on a report titled "Report On Conant II Pumping Test" for the Acton Water District and submitted by Dufresne-Henry, Incorporated. The review identified several discrepancies and omitted data in the report.

Enclosed in this letter is a copy of the review of your report. These comments from the Divisions of Water Supply's Boston Office are provided to you in order that you may respond to the required information as stated in this correspondence.

Until the requested information is submitted to the Division, an approval for the Zone II for the Conant II wellfield cannot be granted.

Should you have any questions, please feel free to contact Carey Kling in Boston at (617) 556-1070 or Jana Leung of the Central Regional Office at (508) 792-7650.

Very truly yours,

John A. Desmond Section Chief

Division of Water Supply

SS/msd:ConantII.002

cc: Page 2

RE: ACTON - Conant II
Wellfield - Zone II

Page 2

DEP - DWS - Boston - ATTN: David Terry, Director

DEP - DWS - Boston - ATTN: Carey Kling DEP - DWS - CERO - ATTN: Jana Leung

Acton Water Supply District PO Box 953 Acton, MA 01720

Acton Board of Selectmen Town Hall Acton, MA 01720

RECEIVED MAY 18 1993 CHITAGE REG

William F. Weld Governor Daniel S. Greenbaum Commissioner

TO: John Desmond, DWS CERO

FROM: Carey Kling, DWS Boston CLK THRU: Paul Blain, DWS Boston 76B

DATE: May 17, 1993

RE: Acton: Conant II Wellfield Zone II

We have reviewed the "Report on Conant II Pumping Test, Acton Water District, Acton, MA" submitted by Dufresne-Henry, Inc., January 1993. We request additional information discussed below before approval of the Zone II is given. These requirements are in bold.

A site visit was conducted on Wednesday, May 5, 1993 with Jana Leung of the CERO, John MacLeod, of the Acton Water Department, and myself.

Pumping Test

The pumping test was conducted on 12 two and one half inch wells, arranged in couples, 100 feet apart on a north-south trending line parallel to the trend of the valley aquifer.

The pumping test began at a rate of 405 gpm and was cut back to 300 gpm after six days to reach stabilization, which occurred after eight days.

Antecedent water levels were measured in the 1500 ft well north of the site. Water levels were dropping prior to the pumping test and continued to drop steadily during the test. This may have been impacted by pumping.

There was no precipitation during the test.

Monitoring and recording of the pumping test was satisfactory.

Well log data was not submitted for all the wells located on the map, such as 4008, 1008, 350E, 250E, and 500E. Are these wells related to the logs which have numbers which do not correspond with wells on the map? Where is 100E located? It is not on the maps.

Pumping Test Analysis

It is difficult to analyze the drawdown data for aquifer parameters because of the arrangement of pumping wells and because of the boundary and recharge conditions.

DWS concurs with the consultant's determination of an average of 30,000 gpd/ft. The following are comments on our interpretation of the drawdown data.

These time/drawdown plots are of little use for determining aquifer parameters because early time data is not very good and late time data is probably influenced the till boundary to the west. Early drawdown data is represented in wells 4A-85 and 5-90 which give transmissivities of 20,000 gpd/ft to 25,000 gpd/ft.

Distance/drawdown data is only useful in the southern, downgradient direction where there are three good points of data. This plot estimates a transmissivity of 38,634 gpd/ft. The saturated thickness of the site is between 25 and 30 feet. Therefore, the hydraulic conductivity is about 50 m/d, which is equivalent to coarse sand. The well log is described as fine to coarse sand with gravel.

The consultant estimates transmissivity values much higher than this. Some logs indicate large gravel and cobbles which would result in much higher transmissivity values.

We do not agree with the choice of slopes used to determine transmissivity values on the residual recovery curves. DWS detemined transmissivity values ranging from 16,000 gpd/ft to 35,000 gpd/ft, which is about half the values the consultant determined.

It would have been very helpful to have drawdown data plots for more of the wells, especially for 11-85, 13-85, 250E, 100S, and 400S, to compare curves and trends in the curves with their locations relative to the ponds, the stream and the till boundary.

<u>Induced Infiltration</u>

Nashoba Brook is about 300 feet east of the wellfield. It is reported to have a sand and gravel bottom which indicates that it is hydraulically connected to the wellfield although some peat is indicated in the cross section. On the site visit the water was so dark that the bottom of the brook was not visible.

There was some drawdown in the 500E well on the opposite side of the brook. It is not clear what is going on in the first half hour of the pumping test when water levels are fluctuating considerably. In general, it follows a rather similar pattern to the other wells which is surprising because one would expect to see drawdown much later in this well, if at all. Drawdown in this well indicates that the brook does not act as a recharge boundary.

Six staff gages were monitored, three in the brook and one in each of three ponds. Water levels in two of the three ponds lowered to below the staff gages (which were at the edge of the ponds) during the test. As discussed earlier, part of the lowering of water

levels is attributed to the hot weather and the general trend of dropping water levels in the surface waters. John MacLeod stated on the site exam that these ponds tend to dry up during the summer. He also stated that the bottom of the ponds may have mud and peat. There was considerable vegetation in these ponds.

Recharge from the ponds may be represented by the lack of drawdown in the early data. The boundary conditions are clearly indicated by the change in the shape of all the curves after about 200 minutes.

There were no distict trends in water quality parameters measured. Although the temperature of the discharge rose 0.5 C and there was a slight rise in hardness during the test.

SAFE YIELD

DWS concurs with the consultant's conservative recommendation of 300 qpm or 432,000 qpd.

ZONE II DELINEATION

The consultant used a very simplified MODFLOW model that included the river package. There were a number of problems with the first model submitted. The most recent model submitted May 11, 1993, is still overly simplified, but is accepted as a determination of the downgradient stagnation distance.

The consultant used a hydraulic conductivity of 150 ft/d which is reasonable, however it was used for all nodes (except the till island where 2ft/d was used) therefore it is not conservative in that regard because the K was determined for the well site where the most permeable materials are located and less permeable materials are probably present outside the wellfield area. A uniform saturated thickness of 28 feet was used for the entire model which is not conservative either because the wells are located in a valley and the saturated thickness is shallower on the sides of the valley.

It is not clear how the upgradient boundary was terminated. The east side of the brook in the east arm of the upgradient area is mapped as medium yield aquifer material. Why was this area not included in the Zone II? Further justification must be given for this boundary.

A new Zone II map submitted on a 1:25000 scale map must be submitted.

WELLHEAD PROTECTION

The site exam was submitted September 1990, therefore a Groundwater Monitoring Well Plan is required to be submitted for this site.

Local land use restrictions meet our requirements.

cc: BOS



Massachusetts Municipal Association

Sixty Temple Place

(800) 882-1498

Boston, Massachusetts 02111 (617) 426-7272 FAX (617) 695-1314

May 24, 1993

Dear Local Official,

The FY' 94 state budget recommendation released by the House Committee on Ways and Means last Thursday specifies the amount that each city, town, and regional school district would receive as Chapter 70 School Aid, Additional Assistance, Lottery aid, and Chapter 71 Regional School Incentive Aid. The attached list includes the amounts that would be distributed to your municipality and to any regional school district that you may be a member of.

The aid amounts on the list represent funding at the FY '93 level, except for Lottery. Your Lottery distribution should be almost 15 percent higher due to the raising of the Lottery cap from \$329 million to \$375 million. Specific grant or reimbursement amounts for other Cherry Sheet accounts were not included in the budget document. They will be calculated when Cherry Sheets are distributed later this year.

If you have any questions about the amounts on the attached list, please call MMA Fiscal Policy Analyst John Robertson at (617) 426-7272.

Executive Director

GCB/jr Attachment-1

LOCAL AID DISTRIBUTIONS

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, for the fiscal year ending June thirtieth, nineteen hundred ninety-four, the lottery distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of section thirty-five of chapter ten of the General Laws, shall be three hundred seventy-five million dollars and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund and be made available for municipal assistance programs and other lawful appropriations.

Notwithstanding the provisions of any general or special law to the contrary, the total amounts to be distributed and paid to each city, town, and regional school district and county maintaining an agricultural school from items 0611-5500, 7010-0067, and 7010-0070 of section two of this act shall be set forth in the following lists; provided, that the specified amounts to be distributed from item 7010-0070 of said section two are hereby deemed to be in full satisfaction of the amounts due under the provisions of section three, six, and seven of chapter seventy of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section two are hereby deemed to be in full satisfaction of the amounts due under section thirty-seven of chapter twenty-one of the General Laws. No payments to cities and towns pursuant to this section shall be pad after November thirtieth of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section forty-three of chapter forty-four of the General Laws. In the case of regional school districts, distributions pursuant to this section shall not be paid by the state treasurer after November thirtieth of the fiscal year until he receives certification from said commissioner of the acceptance of the prior year's annual financial reports as prescribed by the director of accounts. The unencumbered amount in the excess and deficiency fund established pursuant to section sixteen B and one-half of chapter seventy-one of the General Laws shall constitute the amount certified to the regional school committee and the commissioner by the director of accounts as available on July first of the current fiscal year. Said director shall promulgate and from time to time revise rules and regulations for determining the available funds of a regional school district. No payments to cities, towns and regional school districts pursuant to items 7010-0067 and 7010-0070 of section two shall be paid after November thirtieth of the fiscal year by the state treasurer until he receives certification from the commissioner of education of said commissioner's acceptance of the end of the year pupil and financial report submitted pursuant to the provisions of section three of chapter seventy-two of the General Laws.

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
		2 251 722	1040040
ABINGTON	0	3,251,792	1,048,340
ACTON	37,368	481,047	696,062
ACUSHNET	30,043	1,491,330	809,172
ADAMS	44,096	221,323	1,132,016
AGAWAM	0	4,283,470	1,916,748
ALFORD	0	0	8,844

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
AMESBURY	0	2 727 870	1.042.104
AMHERST	280,503	3,727,870 2,183,026	1,043,104 3,953,301
ANDOVER	200,503	1,184,598	812,469
ARLINGTON	5,652,310	2,317,868	2,360,839
ASHBURNHAM	3,032,310 0	2,517,808	286,264
ASHBY	0	0	182,574
ASHFIELD	0	0	78,217
ASHLAND	366,937	457,349	429,511
ATHOL	5,507	964,030	998,857
ATTLEBORO	0 0	7,818,902	2,670,545
AUBURN	0	2,198,222	835,131
AVON	504,148	152,415	230,265
AYER	55,642	2,635,951	438,819
BARNSTABLE	0	19,250	809,498
BARRE	0	0	372,296
BECKET	10,797	0	39,278
BEDFORD	609,391	490,485	368,366
BELCHERTOWN	0	1,492,620	726,530
BELLINGHAM	0	3,484,144	1,071,663
BELMONT	1,041,278	657,059	952,489
BERKLEY	0	588,982	229,435
BERLIN	0	211,348	125,716
BERNARDSTON	0	0	124,638
BEVERLY	3,086,077	2,749,315	2,003,759
BILLERICA	2,956,313	4,327,062	1,975,093
BLACKSTONE	0	0	637,052
BLANDFORD	0	0	60,508
BOLTON	0	0	85,450
BOSTON	206,638,214	44,963,846	31,570,479
BOURNE	443,645	697,469	521,337
BOXBOROUGH	0	31,465	107,081
BOXFORD	45,818	66,760	190,205
BOYLSTON	0	123,201	178,032
BRAINTREE	4,250,822	1,219,876	1,678,659
BREWSTER	0	0	138,848
BRIDGEWATER	0	2,880,831	1,422,912
BRIMFIELD	0	203,702	165,968

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
PROCETON	5 424 062	29,237,295	8,620,280
BROCKTON BROOKFIELD	5,424,063 0	458,859	232,696
BROOKLINE	4,401,448	910,428	2,094,153
BUCKLAND	4,401,448	60,077	134,655
BURLINGTON	1,744,603	1,149,103	731,280
CAMBRIDGE	22,595,349	1,473,559	4,239,556
CANTON	1,104,851	627,229	685,066
CARLISLE	18,534	105,601	95,210
CARVER	0	1,238,685	595,624
CHARLEMONT	0	54,847	74,825
CHARLTON	0	52,898	542,501
CHATHAM	0	0	81,822
CHELMSFORD	3,190,395	1,661,488	1,491,747
CHELSEA	4,274,507	9,036,966	2,658,721
CHESHIRE	0	49,957	263,902
CHESTER	0	57,706	78,619
CHESTERFIELD	0	0	60,366
CHICOPEE	1,504,526	12,908,998	4,922,772
CHILMARK	0 -	0	1,640
CLARKSBURG	16,502	463,231	198,767
CLINTON	220,865	3,209,829	1,097,453
COHASSET	209,013	361,084	223,901
COLRAIN	0	41,234	103,442
CONCORD	483,163	314,058	483,333
CONWAY	0	90,282	80,579
CUMMINGTON	0	179	34,886
DALTON	0	273,727	486,117
DANVERS	1,408,080	732,167	1,031,514
DARTMOUTH	0	2,560,980	1,267,474
DEDHAM	1,950,847	1,039,401	1,158,675
DEERFIELD	0	260,495	231,825
DENNIS	0	0	235,736
DIGHTON	0	0	349,115
DOUGLAS	0	569,309	271,664
DOVER	0	0	102,880
DRACUT	0	4,023,516	1,528,111
DUDLEY	0	143,821	725,660

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
DUNSTABLE	37,846	0	80,154
DUXBURY	0	678,361	439,855
EAST BRIDGEWATER	0	2,347,876	706,406
EAST BROOKFIELD	0	0	153,463
EAST BROOKHELD EAST LONGMEADOW	0	1,248,213	671,879
EASTHAM	. 0	0	59,873
EASTHAMPTON	137,004	3,706,629	1,419,712
EASTON	0	2,705,681	1,010,801
EDGARTOWN	35,873	24,658	17,770
EGREMONT	0	0	37,036
ERVING	16,548	88,888	25,479
ESSEX	42,569	119,013	114,297
EVERETT	5,139,628	1,200,671	1,640,401
FAIRHAVEN	492,569	2,611,111	1,056,098
FALL RIVER	2,882,862	35,476,423	12,646,861
FALMOUTH	0	563,415	601,104
FITCHBURG	270,312	11,188,559	4,112,306
FLORIDA	0	13,356	19,708
FOXBOROUGH	0	2,128,675	821,639
FRAMINGHAM	5,911,189	1,966,487	2,980,979
FRANKLIN	0	3,426,933	1,186,328
FREETOWN	0	407,093	456,140
GARDNER	151,944	4,600,615	1,821,388
GAY HEAD	0	0	1,299
GEORGETOWN	66,691	1,039,916	336,687
GILL	0	0	96,693
GLOUCESTER	2,419,911	1,046,988	1,277,095
GOSHEN	0	0	31,425
GOSNOLD	2,469	0	210
GRAFTON	0	1,656,475	731,010
GRANBY	0	1,129,475	435,136
GRANVILLE	0	74,678	62,748
GREAT BARRINGTON	0	428,467	423,174
GREENFIELD	. 0	4,764,816	1,593,791
GROTON	0	144,992	321,015
GROVELAND	. 0	526,902	347,384
HADLEY	174,084	124,967	155,620

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
HALIFAX	0	800 (02	449 210
HAMILTON	53,967	802,693 30,021	448,319 315,689
HAMPDEN	0	507,944	321,011
HANCOCK	22,195	17,690	24,028
HANOVER	1,669,092	898,915	543,271
HANSON	1,009,092	090,913	658,541
HARDWICK	4,062	714	209,288
HARVARD	69,324	470,438	1,043,694
HARWICH	0	110,484	184,094
HATFIELD	0	160,004	174,424
HAVERHILL	3,149,881	9,636,205	3,599,687
HAWLEY	16,264	7,556	13,620
HEATH	0	0	21,384
HINGHAM	420,485	969,285	744,111
HINSDALE	. 0	32,636	96,787
HOLBROOK	5,987	2,651,849	796,949
HOLDEN	0	1,090,713	801,110
HOLLAND	0	56,295	77,535
HOLLISTON	518,826	1,726,786	627,367
HOLYOKE	763,384	17,006,708	4,926,227
HOPEDALE	0	609,758	268,132
HOPKINTON	151,365	437,641	283,797
HUBBARDSTON	0	0	114,126
HUDSON	0	3,381,625	1,082,193
HULL	1,747,307	1,267,196	540, 69 1
HUNTINGTON	0	42,115	145,306
IPSWICH	975,780	503,164	532,965
KINGSTON	0	465,596	420,411
LAKEVILLE	0	434,728	361,875
LANCASTER	0	1,023,899	455,742
LANESBOROUGH	0	290,228	226,867
LAWRENCE	239,970	25,113,557	7,296,595
LEE	0	924,360	399,014
LEICESTER	0	2,537,143	883,070
LENOX	90,787	680,332	369,003
LEOMINSTER	14,714	7,184,711	2,545,880
LEVERETT	0	5,430	80,038

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
LEXINGTON	0	1,304,196	837,400
LEYDEN	0	1,504,150	27,797
LINCOLN	367,459	0	239,831
LITTLETON	207,535	305,234	276,608
LONGMEADOW	0	1,464,183	727,151
LOWELL	7,978,998	24,064,451	8,374,814
LUDLOW	0	3,032,767	1,456,577
LUNENBURG	0	1,421,859	530,590
LYNN	11,926,220	18,904,918	6,467,560
LYNNFIELD	455,892	493,143	391,495
MALDEN	7,030,168	10,474,021	4,264,716
MANCHESTER	0	167,341	136,604
MANSFIELD	912,368	1,010,515	622,687
MARBLEHEAD	49,583	544,056	575,981
MARION	0	0	98,756
MARLBOROUGH	3,433,241	1,063,702	1,598,857
MARSHFIELD	255,142	2,844,629	1,066,569
MASHPEE	0	0	66,721
MATTAPOISETT	0	70,193	225,429
MAYNARD	738,519	954,884	560,056
MEDFIELD	937,000	453,552	456,430
MEDFORD	8,094,393	7,057,568	3,900,944
MEDWAY	235,317	1,341,573	458,287
MELROSE	3,402,865	2,950,378	1,703,720
MENDON	0	0	163,728
MERRIMAC	0	739,700	368,790
METHUEN	205,147	6,017,870	2,437,735
MIDDLEBOROUGH	0	4,294,480	1,200,792
MIDDLEFIELD	0	16,956	22,229
MIDDLETON	159,272	30,159	172,239
MILFORD	0	5,058,249	1,628,712
MILLBURY	0	2,588,802	909,901
MILLIS	403,862	713,755	374,411
MILLVILLE	0	0	162,150
MILTON	1,566,851	592,215	1,210,207
MONROE	17,526	3,785	5,202
MONSON	0	1,601,633	669,083

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
	_		
MONTAGUE	0	230,936	622,476
MONTEREY	15 ,777	0	23,144
MONTGOMERY	0	0	41,317
MOUNT WASHINGTON	41,886	1,787	1,280
NAHANT	157,791	79,419	156,733
NANTUCKET	0	0	33,930
NATICK	2,444,348	1,187,919	1,218,329
NEEDHAM	259,216	886,773	830,733
NEW ASHFORD	9,203	5,045	3,432
NEW BEDFORD	901,313	37,718,158	12,665,638
NEW BRAINTREE	0	0	47,530
NEW MARLBOROUGH	0	0	29,404
NEW SALEM	0	0	49,572
NEWBURY	0	235,160	209,193
NEWBURYPORT	1,736,621	1,174,988	829,239
NEWTON	1,732,789	2,150,086	2,699,150
NORFOLK	0	498,606	393,367
NORTH ADAMS	233,872	5,462,033	2,447,048
NORTH ANDOVER	151,695	961,447	856,815
NORTH ATTLEBORO	0	4,051,189	1,403,505
NORTH BROOKFIELD	0	1,114,200	404,272
NORTH READING	1,189,787	564,127	544,504
NORTHAMPTON	727,239	5,375,379	2,180,040
NORTHBOROUGH	76,900	858,566	508,677
NORTHBRIDGE	3,865	3,042,656	1,188,551
NORTHFIELD	0	0	121,688
NORTON	0	2,908,315	1,047,112
NORWELL	680,878	604,164	356,841
NORWOOD	3,354,660	989,287	1,342,675
OAK BLUFFS	0	0	29,860
OAKHAM	0	0	66,876
ORANGE	2,661	1,410,553	824,176
ORLEANS	0	0	84,918
OTIS	0	0	14,402
OXFORD	0	3,130,887	1,065,770
PALMER	0	2,151,169	982,461
PAXTON	0	259,017	217,443

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
PEABODY	2.051.625	4 009 022	2 566 065
PELHAM	3,951,625	4,9 08,932 0	2,566,065 68,488
PEMBROKE	0	1,372,712	822,681
PEPPERELL	0	1,572,712	572,177
PERU	0	36,735	47,920
PETERSHAM	. 0	30,733 4,969	51,418
PHILLIPSTON	5,519	4,509	54,634
PITISFIELD	1,107,722	12,848,751	4,187,890
PLAINFIELD	0	0	18,379
PLAINVILLE	0	506,847	337,525
PLYMOUTH	0	1,584,114	1,443,023
PLYMPTON	0	67,793	104,616
PRINCETON	0	164,419	137,528
PROVINCETOWN	27,912	59,405	75,762
QUINCY	14,555,556	6,872,356	5,194,218
RANDOLPH	2,297,597	4,019,549	1,739,800
RAYNHAM	0	1,075,932	595,781
READING	1,931,472	1,110,155	1,092,326
REHOBOTH	0	0	461,666
REVERE	6,712,698	6,324,106	2,827,230
RICHMOND	0	45,714	62,253
ROCHESTER	0	254,522	200,407
ROCKLAND	496,221	4,418,526	1,248,172
ROCKPORT	0	184,757	199,439
ROWE	0	0	1,307
ROWLEY	143,746	194,989	197,958
ROYALSTON	0	377	63,130
RUSSELL	0	0	105,584
RUTLAND	0	805,380	390,148
SALEM	4,151,021	2,923,955	1,899,720
SALISBURY	0	458,768	312,103
SANDISFIELD	0	0	16,629
SANDWICH	111,247	338,256	246,781
SAUGUS	2,245,040	1,263,134	1,098,505
SAVOY	17,367	146,448	52,393
SCITUATE	1,101,119	966,852	775,095
SEEKONK	0	1,546,617	650,221

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
SHARON	78,642	1,705,991	673,430
SHEFFIELD	15,023	0	111,444
SHELBURNE	0	120,952	145,386
SHERBORN	26,364	39,248	113,340
SHIRLEY	233,500	1,208,494	458,068
SHREWSBURY	376,077	2,112,272	1,176,524
SHUTESBURY	0	0	57,941
SOMERSET	0	429,869	688,066
SOMERVILLE	20,410,649	10,261,323	6,535,486
SOUTH HADLEY	25,437	2,877,893	1,293,826
SOUTHAMPTON	0	421,974	283,674
SOUTHBOROUGH	0	180,777	213,999
SOUTHBRIDGE	0	4,902,784	1,713,523
SOUTHWICK	0	0	586,091
SPENCER	0	0	1,063,190
SPRINGFIELD	2,302,181	61,004,244	15,442,809
STERLING	0	322,777	319,853
STOCKBRIDGE	0	0	59,311
STONEHAM	2,553,177	645,079	1,079,758
STOUGHTON	129,781	4,740,372	1,685,892
STOW	8,776	198,946	197,081
STURBRIDGE	0	310,024	311,666
SUDBURY	807,321	369,870	476,895
SUNDERLAND	0	255,067	219,828
SUTTON	0	846,000	374,747
SWAMPSCOTT	443,359	470,679	490,847
SWANSEA	0	2,747,828	1,049,610
TAUNTON	0	13,175,415	4,790,383
TEMPLETON	0	447,489	605,823
TEWKSBURY	0	4,489,070	1,457,774
TISBURY	0	0	52,584
TOLLAND	12,413	0 .	2,564
TOPSFIELD	318,725	39,107	211,096
TOWNSEND	0	0	510,531
TRURO	0	. 0	14,669
TYNGSBOROUGH	0	890,973	349,362
TYRINGHAM	0	0	7,625

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY DISTRIBUTION
UPTON	0	0	260,078
UXBRIDGE	0	1,447,840	680,643
WAKEFIELD	1,809,635	1,739,408	1,219,918
WALES	0	159,188	105,586
WALPOLE	1,112,115	1,367,651	927,839
WALTHAM	6,869,270	2,430,681	2,820,152
WARE	19,199	2,253,952	837,208
WAREHAM	0	2,809,923	1,074,188
WARREN	0	0	348,355
WARWICK	36,354	0	35,166
WASHINGTON	29,889	35,107	34,908
WATERTOWN	5,571,114	607,792	1,590,723
WAYLAND	352,813	577,404	372,010
WEBSTER	78,026	3,480,560	1,145,782
WELLESLEY	121,858	640,569	731,385
WELLFLEET	0	0	29,725
WENDELL	32,131	28,355	55,338
WENHAM	175,913	0	149,798
WEST BOYLSTON	85,259	585,583	329,335
WEST BRIDGEWATER	59,411	1,045,577	352,608
WEST BROOKFIELD	0	0	216,070
WEST NEWBURY	0	99,042	141,886
WEST SPRINGFIELD	0	3,757,642	1,654,444
WEST STOCKBRIDGE	0	0	57,242
WEST TISBURY	229,569	19,768	11,007
WESTBOROUGH	182,536	613,672	492,525
WESTFIELD	0	7,512,679	3,031,291
WESTFORD	1,126,887	946,117	634,080
WESTHAMPTON	0	18,050	62,828
WESTMINSTER	0	0	265,278
WESTON	0	104,153	222,887
WESTPORT	0	1,667,977	733,083
WESTWOOD	45,632	529,947	373,622
WEYMOUTH	3,050,391	9,516,774	3,845,667
WHATELY	0	9,753	66,254
WHITMAN	0	0	1,105,309
WILBRAHAM	0	825,429	639,846

MUNICIPALITY	0611-5500 ADDITIONAL ASSISTANCE	7061-0008 CHAPTER 70 SCHOOL AID	LOTTERY
WILLIAMSBURG	0	198,190	162,468
WILLIAMSTOWN	0	563,670	545,494
WILMINGTON	1,578,564	945,504	661,874
WINCHENDON	31,919	2,480,889	728,809
WINCHESTER	433,387	944,830	688,817
WINDSOR	35,260	0	26,091
WINTHROP	2,878,558	2,309,266	1,365,201
WOBURN	4,513,710	1,206,069	1,620,158
WORCESTER	14,860,192	46,287,515	· 14,598,610
WORTHINGTON	0	0	49,752
WRENTHAM	0	721,013	484 ,56 6
YARMOUTH	0	0	508,832
REGIONAL SCHOOL DISTRICT		7061-0008 CHAPTER 70 SCHOOL AID	7061-0003 REGIONAL SCHOOL AID
ACTON - BOXBOROUG	e H	732,675	814,347
ADAMS - CHESHIRE		2,116,460	2,429,365
AMHERST - PELHAM		2,231,489	1,690,473
ASHBURNHAM - WEST	MINSTER	1,263,128	2,125,565
ASHFIELD - PLAINFIELD		112,399	169,331
ATHOL - ROYALSTON		2,699,934	2,154,830
BERKSHIRE HILLS		712,346	735,940
BERLIN - BOYLSTON		264,226	301,200
BLACKSTONE - MILLVILLE		2,016,274	2,662,399
BRIDGEWATER - RAYNHAM		1,225,161	1,517,499
BUCKLAND - SHELBURNE		372,540	328,689
CENTRAL BERKSHIRE		1,080,089	2,599,093
CHESTERFIELD - GOSHEN		89,913	122,770
CONCORD - CARLISLE		466,567	430,636
DENNIS - YARMOUTH		1,472,442	1,246,176
DIGHTON - REHOBOTH		2,769,983	3,474,687
DOVER - SHERBORN	1	305,097	304,322

REGIONAL SCHOOL DISTRICT	7061-0008 CHAPTER 70 SCHOOL AID	7061-0003 REGIONAL SCHOOL AID
DUDLEY - CHARLTON	2,704,708	3,366,264
FARMINGTON RIVER	26,494	134,877
FREETOWN - LAKEVILLE	977,723	1,525,120
FRONTIER	222,207	343,642
GATEWAY	989,403	2,069,192
GROTON - DUNSTABLE	648,854	1,343,844
GILL - MONTAGUE	1,286,657	1,804,477
HAMILTON - WENHAM	662,299	749,971
HAMPDEN - WILBRAHAM	726,746	1,085,122
HAMPSHIRE	478,676	672,707
HAWLEMONT	41,413	103,736
KING PHILIP	1,263,665	1,366,327
LINCOLN - SUDBURY	679,463	467,399
MARTHA'S VINEYARD	191,229	179,612
MASCONOMET	700,749	664,923
MENDON - UPTON	740,604	1,372,010
MOUNT GREYLOCK	683,007	746,680
MOHAWK TRAIL	390,076	639,911
NARRAGANSETT	1,521,388	1,895,795
NASHOBA	290,254	492,988
NAUSET	561,110	348,218
NEW SALEM - WENDELL	108,847	129,665
NORTHBORO - SOUTHBORO	324,727	594,952
NORTH MIDDLESEX	3,086,205	4,878,873
OLD ROCHESTER	340,813	458,997
PENTUCKET	830,357	1,123,596
PIONEER VALLEY	346,468	1,154,200
QUABBIN	2,253,795	2,455,952
RALPH C. MAHAR	955,555	1,016,971
SILVER LAKE	2,346,712	2,263,814
SOUTHERN BERKSHIRE	386,494	338,367
SOUTHWICK - TOLLAND	2,110,905	1,867,805
SPENCER - EAST BROOKFIELD	4,190,501	3,116,407
TANTASQUA	868,222	1,242,098
TRITON	455,698	687,131
WACHUSETT	1,021,065	1,653,989
WARREN - WEST BROOKFIELD	1,780,471	1,722,082

REGIONAL SCHOOL DISTRICT	7061-0008 CHAPTER 70 SCHOOL AID	7061-0003 REGIONAL SCHOOL AID
WHITMAN - HANSON	5,765,043	6,039,778
ASSABET VALLEY	1,522,952	842,945
BLACKSTONE VALLEY	1,681,238	839,958
BLUE HILLS	2,141,702	581,660
BRISTOL - PLYMOUTH	1,703,890	1,229,150
CAPE COD	1,171,782	300,169
FRANKLIN COUNTY	646,979	812,700
GREATER FALL RIVER	2,389,829	1,028,799
GREATER LAWRENCE	3,743,277	1,785,663
GREATER NEW BEDFORD	4,563,011	2,258,454
GREATER LOWELL	4,865,706	3,065,328
SOUTH MIDDLESEX	1,456,672	546,938
MINUTEMAN	1,573,199	414,535
MONTACHUSETT	2,415,307	1,289,084
NORTHERN BERKSHIRE	1,035,636	658,018
NASHOBA VALLEY	944,391	673,441
NORTHEAST METROPOLITAN	1,927,573	898,298
NORTH SHORE	737,870	202,303
OLD COLONY	912,340	682,312
PATHFINDER	598,396	554,696
SHAWSHEEN VALLEY	1,667,186	966,861
SOUTHEASTERN	2,964,341	1,353,571
SOUTH SHORE	736,834	633,804
SOUTHEASTERN WORCESTER	1,752,122	1,203,612
TRI COUNTY	1,052,884	803,291
UPPER CAPE COD	488,304	148,037
WHITTIER	2,555,459	1,440,552
BRISTOL COUNTY	498,916	650,069
ESSEX COUNTY	1,026,536	644,027
NORFOLK COUNTY	366,001	183,786

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE



DATE: 5/14/93

TO: Board of Selectmen

FROM: Christine Joyce

SUBJECT: John Loring

There has been a change in the date of John's party. It is now scheduled for May 23, 1993 at 6:00 at the Concord Elks.

We have prepared a plaque for presentation. Please check with the office before the party to pick it up.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 13, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Congressman Meehan

Congressman Meehan will be holding a Health Forum here on June 6. His office has called to request that a member of the Board of Selectmen make his introduction.

I have no additional information at this time. We should receive a communique in this regard in the near future.

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 14, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Employee Earnings

The Lowell Sun has requested and received the attached information on our employee's earnings for 1992. This information is forwarded so that you will not be caught by surprise if it is published or if you receive any related inquiries.

TOWN OF ACTON

INTEROFFICE COMMUNICATIONS

DATE: MAY 13, 1993

TO:

DON JOHNSON

FROM:

ROY WETHERBY

SUBJECT: 1992 W-2 WAGES

ENCLOSED YOU WILL FIND A LIST OF EMPLOYEE W-2 WAGES FOR 1992. THIS LIST WAS RELEASED TO THE LOWELL SUN AS OF THIS MORNING.

AS PER OUR DISCUSSION AND ADVISE FROM TOWN COUNCIL, YOU MAY WISH TO FORWARD A COPY OF THIS LIST TO THE BOARD OF SELECTMEN FOR THEIR INFORMATION.

TOWN OF ACTON W-2 WAGES FOR MUNICIPAL PERSONEL CALENDER YEAR

LNAME	FNAME	1992
ABBT	DAVID	50,541
ADAMS	ROBERT	50,541
ALLEN	FAITH	25,100
ANDRYSICK	WILLIAM	4,704
ANTONELLI	KEVIN	23,133
ARNUM	ANITA	31,949
ARSENAULT	HELEN	26,510
AUDETTE	JAMES	24,434
BAKER	KEVIN	8,213
BALL	SHERYL	22,465
BARTL	ROLAND	42,195
	JUDITH L.	11,934
BATEMAN BATISTA	MELODY F.	•
	FORREST	30,216
BEAN		42,635
BELBLIN	CATHERINE	26,888
BELL	SAMUAL	28,852
BENNETT	EDWARD	46,690
BLECK	JANE MARIE	14,475
BOCCADORO	RITA	
BOOTHBY	BETTY	260
BOSWORTH	JONATHAN	125
BOUCHARD	DAVID	24,098
BRACKEN	JEANNE	21,157
BRANDON	EDNA	
BRINKLEY	SANDRA	21,270
BROWN	BARBARA	22,517
BROWN	DAVID .	44,145
BROWNE	CHRISTOPHEF	39,600
BUXTON	SHIRLEY	9,650
CALDERARO	THERESA	21,831
CALI	ROBERT	
CALKINS	DAVID	33,879
CAQUETTE	BERNARD	45,100
CARNEY	JUNE	27,450
CHANDLER	RUTH	13,295
CHARTER	DEAN	48,144
CHAUTIN	DOROTHY	
CHISVIN	CAROL	35,971
CHRISTIAN	NORINE	5,722
COGAN	MICHAEL	243

LNAME	FNAME	1992
COGAN	PAUL	43,590
COGAN, JR.	JAMES	39,422
COMPTON	WILLIAM	33,392
CONQUEST	JOSEPH	45,762
COONEY	JOHN	47,207
COPELAND	DONALD	49,389
COUGHLIN	MICHAEL	35,354
COWAN, JR.	ROBERT	33,219
CRAIG	ROBERT	51,990
CROWLEY	ALBERT	46,637
CROWTHER	KATHLEEN	8,852
DECKER	WAYNE	33,397
DEZZANI	SUSAN	
DONALD	JUDITH	2,160
DONOHUE	EILEEN	23,092
DUDLEY	JEFFREY	50,900
DUDLEY	PAUL	34,753
DUFFY	LESLIE	5,918
DUNBAR	DOUGLAS	7,987
DUVEL	STEPHEN	3,643
EGAN	KIMBERLY	1,068
EICHHORN	JANET M.	1,514
ELLIOTT	DEBRA	490
ENGLUND	DAVID	3,005
ERDOZAINCY	ROSE M.	28,422
FANTON	ANNE	650
FARNSWORTH	WILLIAM	3,491
FARRELL	KEVIN	31,799
FENNIMAN	STEWART	45,172
FENNIMAN	TODD	45,877
FINGERMAN	JENNIFER	970
FITZPATRICK	MARK	36,188
FRITZ	JANET	9,625
FROST	CLARENCE	43,121
GANANG	NORMA	
GENEAU	SANDRA	
GILBERTI	DONALD	
GINN	POLLY	21,506
GOODEMOTE	JAMES	38,711
GOODMAN	BRIAN	69,576

LNAME	FNAME	1992
GRAY	STEPHEN	26,030
GREY	RAYMOND	54,523
HALL	SANDRA	4,109
HALLEY	DOUGLAS	46,985
HAMEL	JOY	14,795
HARRIS	DAVID	
HARRISON	BERNARD	37,585
HART	ROBERT	32,315
HAWE	DONALD	30,617
HAYES	WILLIAM	46,675
HERNANDEZ	PABLO	31,149
HETHERINGTON	JEAN B.	31,403
HOWE	NANCY	484
HOWE	RICHARD	48,144
HOWE	SCOTT	26,330
HOWELL	NANCY	14,665
HOWELLS	JOSEPH	11,631
HUBER	CORNELIA	23,016
HUNTER	DORE F.	650
INESON	KENNETH	5,771
JACKSON	BETSY	23,701
JACOBS	DONNA	24,759
JAMES	KENNETH	33,434
JENKS	STANLEY	10,495
JOHNSON	ARNOLD	25,415
JOHNSON	DON	75,365
JOHNSON	RONALD	32,987
JOYCE	CHRISTINE	27,950
KEENAN	JESSE	12,837
KENDALL	ROBERT	33,214
KENNEDY	STEWART	37,771
KESSLER	JAMES	43,014
KLAUER	WILLIAM	47,157
KNOWLAND	STEPHANIE	15,543
KOCH	LINDA	.66
KOTANCHIK	JAMES	600
LAKE	CAROL	32,626
LAKE	NORMAN	683
LANE	KENNETH	33,667
LAROCHE, JR.	RAYMOND	32,953

LNAME	FNAME	1992
LARSON	MARY	37,771
LAWSON	ELAINE	27,690
LEE	DAVID	31,292
LORD	LINDA	
LYONS	KEVIN	42,964
LYONS	MICHAEL	38,243
MACGILLIVARY	DAVID	72
MACGILLIVARY	DAYLE	31,761
MACGREGOR	MALCOLM	
MACGREGOR, JR.	MALCOLM	30,884
MACKENZIE	ANDREA	24,057
MACKENZIE	DONALD	
MARTINSON, JR.	ROBERT	29,256
MAXWELL	RHODA	
MCCARTY	GERRARD	
MCGUINNESS	GLORIA	24,680
MCMULLEN	BRIAN	16,743
MCNIFF	JOHN	47,681
MCPADDEN	JAMES	68,056
MILLER	SUSAN	250
MILLIGAN	ANNE	7,961
MORSE	DANIEL	31,509
MORSE	SCOTT	32,695
MULLIN	WILLIAM C.	433
MURRAY	JOHN	54,075
NADEAU	BRUCE	48,116
NEAGLE	GEOFFREY	35,146
NEAGLE	MARIANN	
NELSON	KRIST	32,327
NICHOLS	DAVID	20,674
NULL	WANDA	45,554
O'CONNELL	BARBARA	19,880
O'LEARY	RICHARD	36,603
OLIO	NORMA	1,885
OMAN	MICHAEL	
O'SULLIVAN	BRIAN	2,896
OULETT	GAIL	1,340
PALMA	DONALD	39,265
PARISI	ROBERT	65,644

LNAME	FNAME	1992
PASKAVITZ	RONALD	24,057
PEDERSON	GEORGE	1,203
PERRY	ALAN	31,360
PETERSON	JOAN	18,918
POMEROY	SUZI	16,442
PREHL	CHRISTOPHEF	48,988
PRIMIANO	WILLIAM	39,521
RAY	JAMES	33,326
RENTSCHLER	FREDERICK	52,845
RHEAULT	LISA	31,411
RHODES	GARRY	44,776
RHODES	ROBERT	56,319
RICHARDSON	DEBORAH	98
RICHARDSON	MARK	31,558
RICHTER	BRIAN	32,207
RING	DENNIS	34,269
ROBINSON	CARL	42,822
ROBINSON	CYNTHIA	
ROBINSON	GEORGE	57,942
ROBINSON	KEITH	
ROBINSON	PETER	34,755
ROBINSON	RICKY	35,425
ROBINSON	RUSSELL	33,049
ROGERS	THOMAS	69,340
ROOT	MARJORIE	1,209
ROSS	FLORENCE	
RYAN	DIANE	
SABOURIN	ROBERT	32,930
SAIA	LUCILLE	38,714
SAWYER	PAM	
SHEPHERD	ALICE	24,057
SIMEONE	ANN	
SIMEONE	PAUL	38,872
SIPPRELLE	VALERIE	21,057
SMITH	JANE	15,131
SMITH	PHYLLIS	22,331
SMITH	TIMOTHY	

LNAME	FNAME	1992
SOAR	DAVID	38,119
SORENSEN	LELA	36,876
SOULE	JANE	781
STEVENS	JULIA	
STONE	BRUCE	43,451
SULLIVAN	RICHARD	19,655
TAVERNIER	NANCY E.	717
TAYLOR	ALLURA	25,598
TIDMAN	THOMAS	33,434
TIDMAN	VICTORIA	
TISCHLER	REGINA	245
TOWNE, JR	FRANK	30,261
VANDERHOOF	ROBERT	37,403
VANUGA	SANDRA	1,966
VINAL	BRUCE	37,802
WAITE, JR.	RICHARD	32,031
WALL	GINGER	
WALLERSTEIN	THOMAS	31,140
WALSH	DAVID	28,410
WEEKS	WILLIAN	
WELLES	DEVEREUX	19,200
WENTZELL	CHARLES	25,417
WERNER	JUNE	11,230
WERT	MARK	
WETHERBEE	ROBERT	33,769
WETHERBY	ROY	61,542
WHEELER	BRENT	42,318
WHITE	JOHN	32,310
WIDMAYER	FRANCIS	47,281
WILLETT, JR.	CHARLES	33,405
WILLIAMS	GEORGE	55,742
WILLSON	BARBARA	414
WILSON	MARY	1,234
WINDERS	BARBARA	9,933
WORFOLK	JEAN	356
YOUNG	JAMES	42,549

12 May 1993

From: Chairman, Board of Selectmen

To: Chairman, Acton Boxborough Regional District School

Committee

Subject: Steve Aronson Statement of 5/6/93

1. I acknowledge receipt of a copy of the subject statement, which was sent by fax to my law office from the Interim Superintendent's office last Friday afternoon, May 7th, and came to my attention on May 10th. I listened to that portion of the School Committee's May 6th meeting, which was broadcast on Channel 61 on May 10th, during which the statement was read and discussed.

- 2. I do not think that polemic of this nature advances municipal government or educational interests, therefore I intend to make no specific response other than to say that I profoundly disagree with virtually everything said.
- 3. The one suggestion made which has merit relates to a meeting. A joint meeting of the School Committees, Selectmen and Finance Committee might be useful. My experience is that discussion is always useful, even if nothing else is achieved one usually gains a better understanding of opposing viewpoints. It would seem appropriate, if there is to be any such meeting, to wait until after the June 8th special election is held and the new Superintendent has reported for duty. Please contact me if you wish to arrange a meeting.

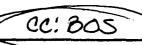
f. døré hunter

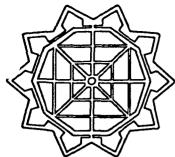
Copies to:

Moderator

Board of Selectmen School Committees

Town Manager Superintendent





Massachusetts Municipal Association LEGISLATIVE BULLETIN

MAY - 3 1933

April 30, 1993

MMA Meets With Legislative Budget Writers

With the House expected to take up the state's fiscal 1994 budget sometime in May, the MMA Executive Committee led a delegation of municipal officials to separate meetings in mid-April with House Ways and Means Committee Chairman Thomas Finneran and with Senator Thomas Birmingham, chairman of the Senate's budget writing committee.

MMA President Stephen Kulik outlined the severe service delivery and fiscal problems that ities and towns continue to face after several ars of state aid cuts. Kulik pointed out that while the state's bond rating had been upgraded, municipal bond ratings were generally declining—a sure sign of continuing financial distress at the local level.

Both chairmen were pressed to craft a budget that shares the projected \$520 million increase in state tax revenues next year with local government. The MMA group also pushed for additional Lottery distributions and a restoration of the Chapter 90 local road grant program, which the governor cut from his budget recommendation in January. Chairman Finneran said that he is planning to include \$185 million in new school aid—the same amount included in the fiscal 1993 budget—in his recommendation to the House. That money was not included in the governor's fiscal 1994 recommendation.

While agreeing to level-funding of local aid at fiscal 1993 levels as a starting point, neither Birmingham nor Finneran was willing to commit any increases for next year. Both said that they would work to fund any education reform

bill that becomes law, and would consider Lottery and Chapter 90 issues.

Ed Reform Bill Remains Stalemated

The six-person conference committee appointed to resolve differences between the House and Senate on the K-12 education bill approved earlier this year has apparently made little progress.

The issue of school choice continues to be a roadblock to passage of a bill, as the Senate advocates for a mandatory statewide school choice program and the House calls for a moratorium on the existing voluntary choice program. MMA staff continues to meet with conference committee members and staff on specific provisions in the bill, mainly the finance sections.

Officials Testify on Roads Bill

Municipal officials testified in late April before the Legislature's Joint Committee on Transportation in favor of MMA-filed legislation that would establish a local roads fund and dedicate a portion of state motor fuel tax collections (estimated at \$550 million) for local road programs next year.

City and town officials described the deplorable condition of many local roads, especially following this past winter's storms, and asked for a fair share of gas tax collections to help pay for repairs and maintenance. At the hearing, House Chairman Stephen Karol said that he expected the House to restore the Chapter 90 local road grant program cut by the governor.

Solid Waste Update

Solid waste issues continue to dominate the vironmental agenda for local government.

e Senate has passed its version of the fiscal 1993 supplemental appropriations bill, S. 1589. Included in the bill is a different version of the landfill closure extension than the one adopted by the House.

Following up on the initiative of Representative Frank Hynes (D-Marshfield) concerning mandatory landfill closures, the Senate adopted an amendment offered by Senator Brian McDonald (D-Weymouth) that would give cities and towns an additional two and a half years to close their unlined landfills. Facing a state-mandated January 1, 1994 deadline for the closure of unlined landfills, the McDonald amendment would give cities and towns until June 30, 1996 to stop accepting waste at unlined landfills.

The amendment also specifies that DEP must do an assessment (paid for by the state) of landfills suspected of causing pollution. If a landfill is in fact polluting, then DEP could

der an immediate closure. The McDonald amendment also reaffirms DEP's authority to enforce its waste ban regulations during the additional time that cities and towns have to close their unlined landfills.

The McDonald amendment differs in two important ways from the amendment on landfill closures offered by Representative Hynes and adopted by the House. First, the Hynes amendment states that the DEP shall not implement any regulations prohibiting the disposal of solid waste at unlined landfills for a period of at least 2 1/2 years, leaving open the option that towns may actually have a longer period of time before closing the unlined landfill. The McDonald amendment simply states that DEP shall require unlined landfills to stop accepting waste after June 30, 1996. Second, the McDonald amendment reaffirms DEP's authority to implement its waste bans between now and June 30, 1996. The ynes amendment would have prevented DEP rom implementing the waste bans at unlined

municipal landfills.

A conference committee will now try to work out the differences between these versions of the supplemental appropriations bill.

U.S. Senate Kills Economic Stimulus Bill

Unable to break a Senate Republican filibuster against his \$16.3 billion economic stimulus bill, President Clinton and the Congressional Democratic leadership agreed to let HR 1335 die last week. The White House and Congress did agree to pass a \$4 billion extension for unemployment benefits. The defeat of Clinton's plan, which would have helped revive local economies and would have paid for some of the cost of unfunded federal mandates on local governments, means that initiatives that addressed community priorities over the last several years will remain gridlocked.

Both Senators from Massachusetts, Edward Kennedy and John Kerry, supported the stimulus package. The bill would have channelled over \$300 million in federal dollars to Bay State communities.

Beware of Collective Bargaining Bills

The Legislature's Public Service Committee reported out favorably the following bills of concern to cities and towns:

- H. 365 would allow collective bargaining parties to petition for the determination of an impasse when bargaining in the midterm of a collective bargaining agreement. Upon the filing of a petition for impasse, H. 365 would prevent employers from implementing unilateral changes until the collective bargaining process—including mediation, fact finding, or arbitration—is completed.
- H. 1523 would require that during the period of the renegotiation of a successor collective bargaining agreement, the terms and conditions of the expired collective bargaining agreement would remain in effect until a successor agreement has been agreed to.
 - H. 2680 would add lung or respiratory tract

cancers to types of cancers covered under the cancer presumption provision.

• H. 1907 would allow police and firefighters o were laid off and later reinstated to buy the e in which they were not employees for use as creditable service toward retirement.

Please contact your representatives and inform them of any concerns you have about these proposals.

Supplemental Budget Update

The Senate Committee on Ways & Means on April 22 reported out favorably two very important pieces of legislation for the MMA. S. 1580, removed from the supplemental budget passed by the House, gives mayors an additional fifty days to submit the city's operating budget to the city council. Because of its timeliness, the Senate took the matter up during an informal session that day, sending the matter to the House for adoption. Both branches remained in session to enact the legislation and send it to the governor for his signature.

The governor signed S. 1580 into law late Thursday, after attaching an emergency letter

claring the legislation to be effective upon its agning. The law is Chapter 36 of the Acts of 1993. The additional time is needed because cherry sheets from the Department of Revenue have been delayed and communities still have no information on local aid levels for next year. Similar language has been passed in each of the past three fiscal years.

The House and Senate recently passed a supplemental budget that was favorable to the commonwealth's cities and towns. Items of particular interest to local officials follow: Line Item 8100-0400 allocates \$4.5 million to fully fund the state share of the Quinn bill, the local option statute that provides additional salary to police officers, based on the level of education, with the additional costs shared between the state and the community. This is a program that has been underfunded by the state for the past several years.

Line item 7005-1000 appropriates \$2.5 million in reimbursement monies for cities and towns and regional school districts for losses incurred under school choice. Municipalities may be reimbursed up to 50 percent. If they incur a loss of 2 percent or more of the total school budget, they may qualify for 75 percent.

Language in both the House and Senate versions will allow the school committees of a city, town, or regional school district to seek federal funds for reimbursements of medically necessary services from third party payors, reimbursable under Medicaid. Currently, under Chapter 71B, school committees are prohibited from seeking reimbursements for medical services to special needs students provided by school department employees and may even be in conflict with federal law.

Under Public Law 94-142, federal and state agencies (e.g., Medicaid) are not relieved of the obligation to pay for medical services rendered as part of students' Individual Education Plans (IEP) and Individualized Family Service Plans (IFSP) even if other public agencies—such as state education departments or local school districts—initially cover the costs of the services. If adopted, Massachusetts would then be in full compliance with federal law, and would be free to pursue up to \$50 million in federal reimbursements.

A BLIZZARD OF RESPONSES TO MMA SNOW AND ICE REMOVAL SURVEY

On April 23 the MMA sent a snow and ice removal budget survey to all members. Within four days, 74 responses had been faxed to our offices. Of the 74 responses received, 70 communities, or 95 percent, are running a deficit in their snow and ice budgets for a combined total of ,224,563.

This deficit figure nearly equals the total

amount budgeted for snow and ice removal (\$7,081,222) by those responding to the survey. The information we receive will be vital when speaking to the governor about state funds to cover these deficits.

Thank you for your quick and overwhelming response. We urge those who haven't responded to return the survey as soon as possible.

1-2

ACTON BOARD OF SELECTMEN COMMITTEE ASSIGNMENTS April 1992-April 1993

COMMITTEE

Middlesex County-Adv
Coordinating Committee
Recycling Task Force
Master Plan Coord. Comm.
61A Committee
MAGIC
Corridor Advis. Comm

Norm

Nancy, Dore', Bill (alt)

Nancy Anne

Anne

Anne

Dore, Anne

BOARD AND COMMITTEE LIAISON

BOARD	SELECTMAN LIAISON
A-B Arts Council	Nancy
Bd. of Appeals	Anne
Bd. of Assessors	B111
Bd. of Health	Norm nancy
Cemetery Comm.	Norm
, Commun. Hsg. Corp.	Nancy
Conserv. Comm.	Norm
Council on Aging	Bill
Fair Housing	Bill
Hanscom Advisory	Dore'
Historic Dist. Comm.	Done'
Historical Comm.	Dore'
Lowell Reg. Trans. Auth	Aririe
MAPC	Nancy
filnuteman Home Care	Bill
Planning Bd.	Anne

BOARD AND COMMITTEE LIAISON

Prison Advisory - Dore' Recreation Comm. Anne Volunteer Coord. Comm. Dore' South Acton Revit Comm Bill Finance Committee Dore' Minuteman Voke Tech S.C. Norm

CC: BOS

Schedwar



DATE May 11, 1993

Carlinia Bellin

MASSACHUSETTS

BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION BY D'AGOSTINE, LEVINE & GORDON FOR SOUTHWESTERN BELL MOBILE SYSTEMS, INC. d/b/a/ CELLULAR ONE

MAY 1 2 1905

DECISION #93-6

A public hearing of the Board of Appeals was held in the Town Hall on Monday, May 3, 1993 at 8:45 p.m., Room 126, Acton, MA on the petition by D'Agostine, Levine & Gordon, 268 Main Street, Acton, for Southwestern Bell Mobile Systems, Inc. d/b/a Cellular One, 190 Second Avenue, Waltham, MA, Petitioners, for a PETITION TO MODIFY A VARIANCE from the Zoning Bylaw, Section 5.1 and 3, granted to Nynex Mobile Communications Co. in hearing #89-30, to allow on land of the Water Supply District of Acton on Great Hill: joint use of the existing cellular telephone tower by Southwestern Bell d/b/a Cellular One, the Town of Acton and Nynex Mobile Communications Co.; in connection with the joint use of the tower, the construction and use of an additional twenty-one foot by thirty foot precast concrete building; and the reconstruction and expansion of the tower increasing its height to approximately one hundred fifty feet, together with antennas at the top of the tower extending approximately twenty-one feet above the height of the tower.

Present at the meeting were Board Members Matt Mleziva, Chairman; Malcolm Burdine, Clerk; Beatrice Perkins, Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Julian D'Agostine, Attorney for the Petitioners; John E. MacLeod, Acton Water District; Brian Powers, NMCC; Tom Whelton, Cellular One; Dave Burnett, Cellular One; and Norman Lake representing the Civil Defense.

Mr. Mleziva opened the hearing, introduced the Board Members, explained the hearing procedure, read the petition and file contents, and then asked the Petitioners representative to present their request.

The Board of Appeals, after considering the materials submitted with the petition, together with the information developed at the public hearing finds that:

- 1. The proposed expansion of the existing Nynex tower facility, to accommodate Cellular One at the same site is a sensible and reasonable solution. This action would stem the proliferation of transmission towers by competing utilities because sharing of existing facilities makes good economic and aesthetic sense.
- 2. The Civil Defense Department of Acton will also share this tower which is next to the existing water tower on Route 27.
- 3. The Acton Water District's Annual Town Meeting voted to suport this request.
- 4. The foundation/base of the present tower will support the 50' (total 150') addition since the original plans indicated a base for a 200' tower.

- 5. Cellular One has already received approval from the FAA indicating there is no need for aircraft warning lights.
- 6. Heavy winds will be no problem for this higher structure, according to the petitioner. This will be reviewed by the Building Department when a building permit is issued.
- 7. The proposed building wil be for equipment only, and will not house permanent staff.

Based upon the above findings, the Board of Appeals concludes that:

- 1. Owing to circumstances relating to soil conditions, shape, or topography of the land, and especially affecting such land, specifically its steep contour, but not affecting generally the zoning district in which it is located, a literal enforcement of this Bylaw would involve substantial hardship.
- 2. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.
- 3. The granting of the variance is consistent with the Town of Acton Master Plan through better public communications.

Based upon the above findings and conclusions, the Board of Appeals voted unanimously to \underline{GRANT} the requested Variance.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after the decision is filed with the Acton Town Clerk.

Town of Acton Board of Appeals

Matt L. Mleziva, Chairman

Malcomm L. Burdine, Clerk

Beatrice C. Perkins, Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on May // , 1993.

Valerie Sipprelle, Secretary

Board of Appeals

SAR ROUNDTABLE MEETING (4/29/93) SUMMARY (cc: Bos)

Marilyn Wolfson, Fort Deveno Took Force

I attended the Strategic Assessment Report (SAR) Roundtable Meeting at Arthur D. 1933 Little on Thurs. Apr. 29. I am enclosing a copy of the Strategic Assessment Report Preview that was provided.

The first point is that the baseline case – that things can continue as they are at Logan - is untenable. Logan by itself cannot accommodate the expected increases in passenger demand; congestion and delay would rise to record levels. Passenger capacity could be increased by the addition of a unidirectional commuter runway. Even if capacity at Logan did increase, noise impacts are not expected to rise because Stage III aircraft have much smaller noise footprint.

The second point is that Logan demand is not reduced much unless Very High Speed Rail (VHSR; most expensive option) or a Second Major Airport (SMA; second most expensive option) is added. The biggest other reduction comes from using "ex-air bases" such as Hanscom, Pease, and South Weymouth, as well as regional airports. But when these air bases and regional airports (e.g., Manchester, Worcester, etc.) are examined, it becomes apparent that Hansom is the only one that really gets a big increase in traffic and helps to reduce Logan's demand, because it's located where the passenger demand is greatest. Here are some of the conclusions about the regionals/ex-air bases (p. 12):

- Diversion of passengers to regional airports & ex-air bases reduces total auto miles & thus emissions
- The environmental & community character impacts on local communities & on region are less that for SMA because demand is dispersed across 8 airports
- Spreading air service throughout region will serve to spur economic development in many more communities
- The cost of expanding regional airports is relatively modest, but costs are more for adding passenger facilities at ex-air bases
- Landbanking likely would not be a requirement

I am very concerned that when the technological risks (e.g., VHSR or Tiltrotor Vertiports are high risk) and regional impacts (e.g., SMA is very high local impact) are weighed along with the political difficulty of "selling" a very expensive, long lead-time project in the near future, it will become clear to policy makers that expanding use of the regional airports is the way to go. This is especially true because there is expected to be a near-term "bulge" in the demand for facilities, and then demand should go down (because each aircraft to/from Logan will be capable of carrying more passengers). Expanding the regionals/air bases provides the quickest and possibly the cheapest relief for demand.

Increased traffic at Hanscom would have a major impact on Acton.

It might be appropriate to talk to the town's "Hansom committee" members, so they can be alert to these possibilities and so we can understand the issues associated with the potential use of Hanscom as more of a regional airport. They might be interested in finding out what the SAR holds in store.

manlyn's note said she had included the most interesting pages from the ADL handout. anne



2030 Passenger Demand By Facility (in millions).								
	A	B	C	D	E	F	G	н
Logan	36.23	34.9	33.5	35.3	33.8	35.5	30.0	37.2
Bradley	0.65	0.68	0.64	0.66	0.65	0.61	0.61	0.67
Manchester	0.67	0.76	0.61	0.64	0.65	0.60	0.55	0.85
Portland	0.01	0.02	0.01	0.01	0.01	0.01	0.01	0.01
Providence	0.67	0.79	0.62	0.63	0.70	0.57	0.58	0.81
Worcester	0.23	0.32	0.24	0.26	0.27	0.24	0.23	0.38
Hanscom	0.90	0.70	0.00	0.75	1.91	0.00	0.00	0.00
Pease	0.04	0.05	0.00	0.00	0.04	0.04	0.00	0.00
South Weymouth	0.24	0.25	0.00	0.20	0.19	0.00	0.00	0.00
SMA	0.00	0.00	0.00	0.00	0.00	0.00	6.57	0.00

The base case facility element is the use of Logan International Airport without any future increases in capacity.

- While the capacity of Logan will naturally increase over the study period because of increases in average aircraft size, it is very unlikely that Logan, by itself and unimproved, can accommodate the expected increases in passenger demand thus elevating congestion and delay to record levels
- A single noise event footprint of a Stage III aircraft (B757) compared to a Stage II aircraft (B727) is dramatically smaller thus reducing the overall noise impact of this facility
 - The take-off of a B727 produces 95db 4.8 miles off the runway and 85 db over 11 miles from the runway
 - However, the take-off of a B757 produces 95db only 0.125 miles off the runway and 85db 1.25 miles off the runway
- The number of people exposed to 65 Ldn with an all Stage III fleet at Logan would be some 70% lower than the current fleet
- This facility element is the least expensive in terms of capital outlays

Increasing the passenger capacity of Logan would be accomplished primarily through airfield capacity enhancements.

- The primary enhancement to Logan's capacity would be the addition of a commuter runway (14/32) which would be used only as a uni-directional runway (over water approaches and take-offs)
- In addition, the taxiway improvements outlined in the *Logan Capacity* Enhancement Report would be implemented to improve the efficiency of ground activity
- Because of the significant reduction in noise associated with Stage III aircraft, and the unidirectional use of runway 14/32, the noise impacts of this facility element would not be substantially greater than is currently the case
- The expanded use of Logan provides for flexibility in service as it would offer short, medium and long haul domestic flights as well as international flights
- While it is improving, air transportation is not expected to become significantly more energy efficient with respect to VHSR/Maglev

Scenario Effects Facility Elements (continued)

Diversion of passengers to regional airports and the ex-air bases reduces total auto miles and thus emissions.

- This element includes expanded use of both regional airports and exairbases
- The environmental and community character impacts on the local communities as well as the region are less than that of a SMA because the demand is dispersed across 8 airports
- Spreading the air service throughout the region will serve to spur economic development in many more communities
- The cost of expanding the regional airports is relatively modest, however there are substantial costs associated with adding passenger facilities at the ex-air bases
- Landbanking likely would not be a requirement for this option as the demand for the facilities would be in the very near term

Scenario Effects Facility Elements (continued)

Construction of vertiports around the Boston metropolitan area will serve to decentralize air services while keeping them close to the major population center.

- Tiltrotor technology carries the highest risk in terms of implementation
- Vertiports would be located at Logan, downtown Boston, Natick, Cambridge and Burlington
- It would compete for short haul domestic flights
- The cost of the vertiports is modest compared to airports because of the lack of need for long runways
- Vertiports are much quieter than are airports because of the vertical takeoff and landing patterns
- The aircraft, like all propeller aircraft, offer less passenger comfort than commercial jets

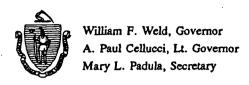
Development of very high-speed rail or maglev corridors both to the north and south of Boston has a dramatic effect on demand at Logan.

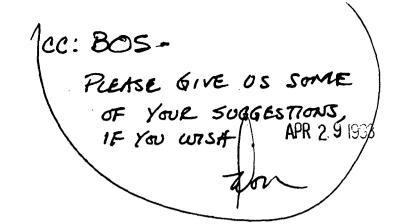
- Operating at speeds up to 300 mph, this option offers service in the northeast corridor and north of Boston which is very competitive with air service and could divert up to 3 million passengers per year by 2010
- This is the most expensive single facility element under study (estimated at between \$20 and \$35 million per mile) and would likely require significant landbanking and/or acquisition of right-of-way by eminent domain, yet, the surface modes are highly energy efficient and may offer fares below that of commercial air service
- At high speeds TGV and maglev type vehicles are as noisy as jet aircraft
- It is unlikely that this mode would be detrimental to the character of the communities through which it passes beyond the noise effects for those adjacent to the right-of-way
- There is some uncertainty surrounding the technological feasibility of these technologies to achieve the speeds required given the right-of-way constraints of the markets involved

The final facility element is the second major airport (SMA).

- Construction of a SMA at either of the proposed sites would result in significant changes to the character of the adjacent communities
- While the SMA would offer service primarily in the short and medium haul domestic markets in the year 2010 and add service in the domestic long haul by 2030, no international service is foreseen
- However, the number of people exposed to aircraft and automobile traffic noise is only a fraction of that around Logan Airport where population densities are 10 to 20 times higher
- The SMA is the second most expensive facility element under examination (trailing very high speed surface) and does not divert as many passengers away from Logan or the regional airports and ex-air bases

EXECUTIVE OFFICE OF COMMUNITIES & DEVELOPMENT





Dear Chief Executive,

The Executive Office of Communities and Development is completing its work on a set of comprehensive community profiles that will be of use to you in applying for grants or marketing your community, and of use to others interested in the municipalities of the Commonwealth.

We believe there is one more component that should be included in such a profile; a very personal description of the character of your community. This short summary would essentially show what makes your community different from other municipalities in Massachusetts, whether because of its scenery, its educational institutions, its manufacturing history, its museums or its atmosphere. Only you know your community well enough to provide us with this information and we ask that you help us complete this project by doing so.

Please send us two or three paragraphs which describe the kind of community you lead and what you are proudest of, whether that is your math team or your waterfall, your park system or your convenient location. These narrative sections will form the introduction to the comprehensive profile of each city and town in the state. I am including a form as well as a sample narrative to suggest to you the kind of information that will help us complete this project.

We hope to receive this material from you by May 15 so that we can move forward to produce your community's profile as soon as possible. Please address your responses to EOCD, Sheila Cheimets, 100 Cambridge Street - 18th Floor, Boston, Massachusetts 02202.

Sincerely,

Mary La Padula, Secretary

Executive Office of Communities and Development

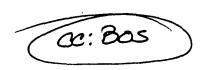
NOTE: The actual profile of your community will contain data on population, budgets, roads, etc. What we hope you will provide is the <u>flavor</u> of the community, as in this fictitious sample.

SAMPLE COMMUNITY NARRATIVE

The Town of Enfield is a small, rural community tucked away in the foothills of the Berkshire Mountains. It is a residential town which still retains many of the farms and market gardens that have formed the core of the town for the last two hundred years. The town prides itself on being the home of the fastest and strongest riding horses being bred in New England, and a half-dozen or more breeding stables and farms are in operation along the winding country roads of Enfield.

Enfield is a quiet, friendly place all year round, but is especially welcoming in the Fall, when the three-day Enfield Harvest Festival is held. This event brings horse breeders and horse lovers, square dancers and country musicians together for a combined livestock auction and country music festival that draws visitors from all across New England.

SEE OVER



WAYLAND TOWN BUILDING WAYLAND, MASSACHUSETTS 01778

MAY - 7 1993

May 6, 1993

Conference Committee on Educational Reform C/O Senator Thomas Birmingham Room 212 - State House Boston, Mass. 02133

Gentlemen,

We are writing to you in an effort to persuade your committee to take a more conservative approach to the Education Reform Bill now being considered. We see this bill as an omnibus bill that has several undesirable and self defeating elements. We are also concerned that the debate over these issues is holding up all local aid and school funding.

The choice feature of this proposal has some serious financial problems. For one, it does not allow for the fact that schools receiving students will incur incremental costs that are much less than average costs per pupil while sending schools will lose funds that are not recouped by lower enrollments. They will lose funds that are allocated to overhead and will have to be made up from other inadequate municipal or school sources. In other words, choice will take from poorer communities and give to the wealthier ones.

Transportation costs whether paid for by the state or local governments, will simply be an added cost of education that no one can afford. Since the state has greatly reduced reimbursements for transportation costs to local communities in recent years, it seems illogical to now create a new inter town transportation network that will inevitably cost more than the highest current estimates.

6

Further, under the current choice proposal, we see no answer to the question of financial responsibility for the shifting of costs for special education pupils that might participate in a choice provision.

Potentially, even more distorting to the educational system in this state is the notion of creating "Charter" schools and the creation of a private school board at the state level. In these proposals we see a massive shift in public funds that should be devoted to public education to private or semi private schools in order to create some element of competition. This is supposed to force poorly managed schools to improve in order to retain students or to disband altogether. However, there are many extremely well run public schools in this state, particularly in suburban and rural communities that would be further drained of resources by "charter" or private school support from the state.

We urge you to return to the education reform package as voted by the House and to contemplate choice, charter schools and school boards to oversee private schools as separate issues, or, better, as referendum questions so the public can have real input into these vital issues.

Frank J. LeBast

Frank T. LeBart Chairman

Sincerely,

John B. Wilson

Executive Director

The Newsletter of The Suburban Coalition

Suburban Coalition Chronicle

Spring 1993

Wayland Town Building - Wayland, MA 01778

Volume 1, Number 1

Suburban Coalition Spearheads Formation of Legislative Caucus

n February 3, the Suburban Coalition hosted a meeting of legislators at the State House to discuss formation of a bipartisan caucus of suburban, cape and rural senators and representatives.

Representative Frank Hynes (D, Marshfield) and Senator "Cile" Hicks (R, 5th Middlesex) were elected cochairs of the newly formed Legislative aucus

\$980.00 for towns.

- Fiscal aid represents an average of 7.7% of total revenues for suburbs and 38.6% for cities.
- Communities are losing what little aid they had at a faster rate than cities (-22.66% for suburbs and -15.85% for cities over the two year period of F/Y 1990-92).

A primary purpose of the Caucus is

Legislative Caucus sets priorities.

- Distribution of the State Highway Tax.
 - Distribution of Lottery Funds.
- \$50 per pupil minimum state aid in the Education Reform Bill.
- Creation of a Subcommittee on Political Strategy.

Those present were impressed by the financial data prepared by Bob Hilliard, Wayland Finance Director and Research Director for the Suburban Coalition. In charts, graphs and spread sheets, many of the legislators saw for the first time the growing disparity in local aid disbursements.

Some of the significant points were

- The average local aid per capita stribution for cities is \$625.00; 156.00 for suburbs.
- The average property tax levy per capita is \$303.00 for cities and

to pursue fair shares of revenue in predictable amounts on a timely basis to the local communities.

The group promptly organized a Steering Committee, which has already met twice, to set priorities for this legislative year.

The Legislative Caucus will welcome the Coalition's continued assistance in three areas:

- (A) research on key issues,
- (B) distribution of minutes and other communications.
- (C) grass roots support on key votes.

Suburban Coalition Action List

- D uring the last quarter, the Suburban Coalition has
- Successfully spearheaded the formation of the Legislative Caucus at the State House.
- Been represented at the Legislative Caucus Steering Committee meetings by Jack Wilson and Bob Hilliard.
- Formally contacted State Senators with statement in support of minimum of \$50 per pupil in state aid as part of the Education Reform Bill.
- Monitored progress of the Education Reform Bill, focusing on issues related to funding.



Thursday - May 27
Thursday - June 24
Wayland Town Building
School Committee Room
3:30 pm

Suburban Coalition Officers

Frank T. LeBart, Chairman (617) 934-7411

Louise Haldeman, Vice-Chairman (508) 369-8562

John B. Wilson, Executive Director (508) 358-2489

Robert Hilliard, Research Director (508) 358-7701, Ext. 129 (508) 358-7708 (FAX)

The Suburban Coalition Chronicle is published quarterly to provide concise, timely communication with members and friends. We welcome all comments and suggestions. Please contact Jessica Barnett, Editor (617) 639-0624.

Membership Fees in the Suburban Coalition are:

Town Boards & Mayors	\$100	
Civic & Community Groups	\$50	
Individual Members	\$25	

Letter from the Suburban Coalition

The Suburban Coalition was formed in 1984 by officials from a handful of towns who anticipated the deterioration of local governmental services as a result of the implementation of Proposition 2½. Its purpose was to see what could be done to maintain the high quality of services by replacing the loss of real revenue after inflation with increases in revenue sharing by the Commonwealth.

In the early years, we were partly successful, but in the later years, local aid to our communities has declined alarmingly. Consequently, we are planning to become even more active in our efforts to preserve the resources our local governments need to provide services their taxpayers expect. The launching of the "Chronicle" is a step in this direction.

We have been so preoccupied with legislative issues involving the fiscal problems of our communities that we have let slip the important matter of communications.

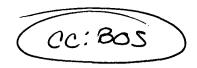
Happily, we now plan for regular contact with our membership and others interested in our work. This newsletter will be mailed on a regular quarterly basis. Its purpose will be to notify you about our activities and how they may affect your town. In each issue we will devote space to your comments and criticisms, so please let us know your thoughts on the problems of suburban cities and towns so that we can share them with legislators and local officials who are in a position to add their weight to our efforts.

All are welcome to attend steering committee meetings which are generally held on the last Thursday of each month at the Wayland Town Building.

Jack Wilson, Executive Director

Suburban Coalition Wayland Town Building 41 Cochituate Road Wayland, MA 01778





Minuteman Advisory Group on Interlocal Coordination

60 Temple Place, Boston, MA 02111 617 / 451-2770



MEETING NOTICE

MAY - 7 1993

May 20, 1993 Maynard Municipal Building Main Street Maynard

7:00 p.m. Annual Meeting and Election of Officers

Nominees are:

Chairman

Donna Jacobs

1st Vice Chairman 2nd Vice Chairman Rosemary Marini Carmine Gentile

Nominations from the floor accepted with consent of nominee

7:15 p.m. DRI Chair's Report: Projects in the Pipeline

7:30 p.m. Housing Exchange Follow-up: Next Steps

> Please bring a list of 10 "why's" and "what's" -- why we should take regional housing action and what action we should

take.

8:30 p.m. **Municipal Incentive Grants**

Ideas to Date:

Regional Housing Initiative Sudbury Annex Reuse Planning

Maynard Digital Reuse

Other

8:45 p.m. **Updates and Briefings**

Fort Devens

Charrette and Follow-up

CAC

FDDC Legislation

Acton Lawsuit

Digital

Concord Waste Management Conference

Local contributions to MAGIC

Other

Water Supply District of Acton

693 MASSACHUSETTS AVENUE P.O. BOX 953 ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 263-9107

FAX (508) 264-0148

BOARD OF WATER COMMISSIONERS HARLAN TUTTLE BUILDING 693 MASSACHUSETTS AVENUE ACTON, MA 01720

MAY 11, 1993

THE COMMISSIONERS MEETING SCHEDULED FOR MAY 24, 1993 HAS BEEN CANCELLED.

THE NEXT COMMISSIONERS MEETING WILL BE JUNE 14, 1993 AT 7:30 PM AT THE HARLAN TUTTLE BUILDING, 693 MASSACHUSETTS AVENUE, ACTON, MA.

CC: BOS - FYI PART OF SETTLEMENT IN THE POPE ROAD CHEE.

PALMER & DODGE

One Beacon Street Boston, Massachusetts 02108 MAY 1: 1 1933

Norman P. Cohen (617) 573-0386

Telephone: (617) 573-0100 Facsimile: (617) 227-4420

May 5, 1993

Co-operative Bank of Concord 125 Nagog Park Drive P.O. Box 2100 Acton, MA 01720-6100

Attn: Lisa Bergemann

Senior Vice President

Re:

The Co-operative Bank of Concord v. The Conservation

Commission of the Town of Acton

Civil Action No. 91-08096

In connection with the settlement of the above entitled case, I have been informed that The Co-operative Bank of Concord will make a gift to the Town of Acton, acting by and through its Conservation Commission, of \$15,000 to be used for any purpose which promotes or protects wetlands, provided that such funds shall not be used for litigation expenses. Pursuant to G.L. c.40, §8C the Acton Conservation Commission has the power to receive the funds, subject to the approval of the Board of Selectmen. The restrictions relating to the use of the \$15,000 would be binding upon the Conservation Commission.

Very truly yours,

Norman P. Cohen Town Counsel

NPC/db

cc:

Louis N. Levine, Esq. William Hill, Esq. Don Johnson

environmental engineers, scientists, planners, & management consultants

Ten Cambridge Center Cambridge, Massachusetts 02142 617 621-8181

CAMP DRESSER & McKEE INC.

May 7, 1993

Ms. Lynne Jennings U.S. Environmental Protection Agency Waste Management Division Region I 90 Canal Street Boston, MA 02114

MAY 1 1 1933

Mr. Edmond G. Benoit Regional Engineer Bureau of Waste Cleanup Massachusetts Department of Environmental Protection 75 Grove Street Worcester, MA 01605

Subject: W.R. Grace & Co., Acton, MA

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits, for your review, the Technical Memorandum for the Landfill Monitoring Well Slug Tests conducted at the Acton Site.

Please contact me at 617-252-8818 or Bruce Conklin at 617-252-8832 if you have any questions.

Very truly yours,

CAMP DRESSER & McKEE INC

Approved:

Project Engineer

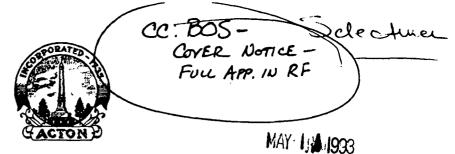
Bruce R. Conklin Vice President

Burn & Could

KJR:paa

Enc.

File: 798-128-RT-INSP



MASSACHUSETTS

BOARD OF APPEALS

#93-7

NOTICE OF PUBLIC HEARING

The Board of Appeals	will hold a	Public Hearing	on	Monda	у,			
June	7,	, 19 ⁹³ , at	7:30P.M.	in the	TOWN	HALL,	Room	126
on the following petition:								

by Terri Stone Benton, 594 Main Street, for a Petition for a Variance from the requirements of Section 3.2.1 of the Zoning Bylaw to allow this family to keep more than one horse on their 3-acre farm located at 594 Main Street, Map E4/Parcel 3 and Map D4/Parcels 23 & 24, which is surrounded by 30 acres of conservation land with many riding trails.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Malcolm Burdine

Clerk

/cc:Bos

ACTON SCHOOL COMMITTEE

Library, 7:30 P.M.	High	School

For May 13, 1993 Meeting

1933

7.00 7.1111.		AGENDA.	<u>-u</u>	
7:30	I.	CALL TO ORDER		
7:31	II.	ELECTION OF OFFICERS CHAIRPERSON SECRETARY SECRETARY PRO TEMPORE	MAY	1: 1 19
7:35	III.	APPROVAL OF MINUTES OF APRIL 1 AND APRIL 7, 1993, AND STAT WARRANT	EMEN	<u>r of</u>
7:40	IV.	PERIOD OF PUBLIC PARTICIPATION		
8:00	v.	EDUCATION REPORT - Special Education - Fran Leiboff, Nancy Kolb, (Huebner, Susan McGrail	Carol	
8:20	VI.	SUPERINTENDENT'S REPORT FOR THE MONTH OF MAY, 1993 William Ryan		
		RECOMMENDATIONS 1. McCarthy-Towne Student Field Trip Requests (3) 2. Conant School Fourth Grade Field Trip Request 3. FY'94 "B" Budget Recommendation		
8:40	VII.	FOR YOUR INFORMATION 1. Mass. Music Educators Association, Inc. 2. Douglas Digest, March and April, 1993 3. April, 1993 Conant Crier 4. Resignation 5. McCarthy-Towne Bulletin, April 8 and May 7, 1993 6. Gates Panther Pages 7. Conant Current Events 8. McCarthy-Towne Monthly Reports		
8:50	VIII.	CONCERNS OF THE BOARD		
9:10	IX.	EXECUTIVE SESSION		
9:30	x.	NEXT MEETING -June 10		
9:30	XI.	ADJOURNMENT		

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: May 12, 1993

TO: Bill Ryan, Interim Superintendent

FROM: Don P. Johnson, Town Manager

SUBJECT: Coordinating Committee

The Selectmen discussed the planned May 17 Coordinating Committee meeting and determined that there were no agenda items that really needed our attention prior to the June 8 election. The feeling is that we all have enough on our plates at the moment and I certainly concur. With that in mind they asked that we cancel the planned meeting and reschedule sometime after the election. (It is my understanding that you may already be aware of this change in plans.)

I will see that the Fincom is notified. Please get the word to your people.

(I received your note this morning regarding agenda items. I will hold it for the rescheduled meeting.) \land

cc: Board of Selectmen

605/Don

AGENCY: Massachusetts Bay Transportation Authority (MBTA)					
PROJECT TITLE	FUNDING SOURCE	AMOUNT			
Grade Crossing Elimination	State Bond	\$65,000			

OBJECTIVES:

To identify all locations on the commuter rail system where major safety, public improvement and economic gains can be realized by grade separation.

WORK DESCRIPTION:

Grade crossings where rail vehicles and highway vehicles have the potential of conflict, are the most dangerous part of a railroad system. Each year thousands of grade crossing accidents occur in the United States, many on the Authority commuter rail lines. Unfortunately, many of these accidents are fatal.

Additionally, highway traffic is frequently detained waiting for trains to clear grade crossings. When crossing protection system fail, they are designed to fail safe with the gates in the down position, which frequently causes significant traffic jams with highway vehicles.

We have several locations on the Authority commuter rail lines where we are aware that grade separated crossings will greatly enhance highway traffic and public safety, in addition to reducing railroad maintenance costs. We feel other opportunities also exist on the commuter rail system to provide major public improvements by grade separating highway and rail.

The proposed study is envisioned to identify all locations on the commuter rail system where major safety, public improvement and economic gains can be realized by grade separation. Conceptual drawings of the proposed separation, along with the approximate cost of providing the grade separation will also be provided.

Homm. Wonder of any of our's are candedates?

Town Manager Information

May 7, 1993

Rene M. Beauchesne 284 Great Road, C-6 Acton, MA 01720

Chief of Police Acton Police Department Acton, MA 01720

MAY | 2 1933

Dear Sir,

I am writing to express my deep appreciation for the efforts of D.A.R.E. Officers Todd Fenniman and James Cogan at the Gates My daughter, Julie Beauchesne, just graduated the D.A.R.E. program on Wednesday, May 5 and I was immensely impressed with the obvious pride of your two officers in the graduates. It is through the concern and efforts of officers such as yours that the future of our children is positively affected.

As a Parole Officer for the state of Massachusets, I see the terrible damage done by drugs to young people every day. I have also been a police officer, and have seen the increasing amount of effort needed to combat the scourge of drugs in a community. The D.A.R.E. program focuses efforts on our children and their future in a low cost and hands-on way. Both the program and the officers involved are to be commended.

Please feel free to pass this letter on to Officers Fenniman and Cogan. I was unable to express my appreciation in person after graduation, and want to take this moment to do so. Please keep up the outstanding work of your department.

CB: BOS-FYI PERS. FILES

Sincerely,

Rene M. Beauchesne

Institutional Parole Officer Massachusetts Parole Board

File

April 28, 1993

TO:

Board of Selectmen

FROM:

NANCY TAVERNIER, Chairman

SUBJECT: SELECTMEN'S REPORT

AGENDA

ROOM 204

7:30 P.M.

May 4, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:30 SPECIAL ELECTION DISCUSSION - Enclosed please find guidelines and printed materials relative to scheduling a Special Election.

III. CONSENT AGENDA

- 2. Accept Minutes March 30, 1993- Enclosed please find Minutes for Board approval.
- 3. Eagle Scout Court of Honor Enclosed please find a three invitations to a Courts of Honor on May 16, May 23, and May 25th for Board assignment.
- 4. ACCEPT GIFT Enclosed please find a request to accept a \$10.00 donation to the Civil Defense Agency for Board action.
- IV. SELECTMEN'S CONCERNS
- 5. BOARD REORGANIZATION
- V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS - Marty Meehen, May 8, 1993 at 10:00 - Town Hall - Would like to meet with Board members prior to his "Town Meeting" if anyone is available.

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

MAY 11, 1993 - Mobil Oil Site Plan 204 Main Street Suburban Manor Site Plan, 1 Great Road Planning Board - Discussion Farm Hill

790 acs

F · "L

5/4/93

TOWN OF ACTON 472 Main Street Acton, Massachusetts 01720 Telephone (508) 264-9612 Fax (508) 264-9630

Nancy E. Tavernier Chairman, Board of Selectmen

PROPOSITION 2 1/2 OVERRIDE TAX IMPACT - FACT SHEET FISCAL YEAR 1994 (7/93-6/94)

TAX BILL FOR \$250,000 SINGLE FAMILY HOME

WITH PROP 2 1/2 OVERRIDE OF \$687,000

Fiscal Year 1993 Tax Bill (Tax Rate \$16.88/\$100 of value) Allowable Prop. 2 1/2 increase Town-wide Override Vote Fiscal Year 1994 Tax Bill

+ 72.50 +1.72% 115.00 +2.72% 4,407.50

\$4,220.00

TOTAL INCREASE

187.50 +4.44% \$3.61 per week

FISCAL YEAR 1994 TAX RATE WITH OVERRIDE

Fiscal Year 1993 Tax Allowable Prop. 2 1/2 increase Town-wide Override Vote

\$16.88/\$1000 of value .29/\$1000 of value .46/\$1000 of value

TOTAL TAX RATE 1994

\$17.63/\$1000 value

PLEASE NOTE: Calculations are based on the assumption that the Tax Classification shift of 7.5% will not change.

SELECTMEN'S MEETING MARCH 30, 1993



The Board of Selectmen held their regular meeting on Tuesday, March 30, 1993, beginning at 8:00 p.m. due to election. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None expressed

PUBLIC HEARINGS AND APPOINTMENTS

TRIPLE A MARKET - BEER AND WINE LICENSE

Mr. Arthur Graziano representing Triple A Markets explained the intent in obtaining this license would be to serve the customers. He has had numerous requests from customers for beer and wine sales in conjunction with grocery shopping. He outlined the plan that has been developed to adequately address any concerns with regard to control of the sale and handling of beer and wine. They plan to convert the present card/florist department into the display and cooler area. They will have locked bins in the storage area for stock, with admittance controlled by the 5 key employees with key privileges, all of which are over 30 years of age. They will designate three registers in the front of the store closest to the main desk which has the overview of these registers. As well as the three registers being manned by employees over 21, the front end supervisor as well as the employee assigned to the desk would oversee the sales. He asked that the Board consider their decision on the merits of Triple A and not to judge them on what another store might do with a license granted to them.

Dore' Hunter outlined for the Board his vote and reason for it when Purity Supreme applied for a Beer and Wine several years ago.

Steve Steinberg spoke about the security issues and the potential of additional supermarkets applying for the remaining licenses.

Representatives from Notar's Market spoke about the economic issues. The security issue was again discussed and they felt that to issue this license would financially hurt the existing license holders.

Peter Master, Last National asked the Board to consider the impact to the other license holders in town. He also spoke to the security issue.

Henry Accouncia, Representing Triple A, reiterated that the application for this license was driven by the customers of

Triple A, it would be for the convenience and to better serve the customer and that was the purpose of the application.

Dore' felt that while Triple A had presented a good plan he felt he could not support the issuance. Bill Mullin also said that while he believed in competition of businesses he could not support the issuance. Nancy stated that she supported the issuance. Anne felt it did not meet the criteria as to public interest and therefore could not support the granting. NORM LAKE - Moved to Grant Triple A a Beer and Wine License. NANCY TAVERNIER- Second. 2-3, Bill Mullin, Anne Fanton and Dore' Hunter No. Motion Failed.

SCOTT MOTOR'S - CLASS II - 866 MAIN STREET

The Board discussed Mr. Scott's request for a Class II License at 866 Main Street. Mr. Scott said that he will have no cars at 866 Main. He has applied for the license so that he can more easily transfer autos that he obtains through his towing business that he operates on Eastern Road. Anne was confused by the Building Commissioner's comments and wanted to have clarification on the zoning. Nancy agreed that this request could be better addressed after discussion with the Building Commissioner. The Board asked Mr. Scott to meet with the Building Commissioner to clarify the zoning issues. DORE' HUNTER - Moved to continue the hearing to April 6 at 8:00. ANNE FANTON - Second. UNANIMOUS VOTE.

MARSHALL LAND CARLISLE ROAD - 61A

Anne outlined the Marshall 61A Right of First Refusal option on Lot #3 which is currently undeveloped and zoned residential, and would support two house lots. The 61A Committee has reviewed this parcel and feels that the proper protections are in place with zoning and notes it also abuts the parcel that contains the house which the Town released its option on earlier. ANNE FANTON - Move we waive the Town's right of first refusal on Lot 3. BILL MULLIN - Second. UNANIMOUS VOTE.

BOSTON EDISION STRAWBERRY HILL ROAD

DORE' HUNTER - Moved to approve. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

DORE' HUNTER Moved to accept the consent calendar as printed. NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

Concord Landfill Task Force - Dore' said we should look into the forum. Nancy thought we should also consider participating and asked staff to respond affirmatively.

Article 25 - Handicapped Van Spaces - The Planning Board has voted to recommend against adoption of this article due to the negative impact on small business. Dore' suggested we ask planning to amplify their concerns in writing and hold on our recommendation until we receive this information. Bill Mullin agreed to investigate as he is assigned this article.

Soft Second Loan Program - Nancy asked if ACHC could be forwarded the information for their Friday meeting. The Board agreed to forward the info.

Assessors Appointment - Dore' Hunter - Moved to appoint Don Rhude to the Board of Assessors for a term to expire 6/30/96.

NORM LAKE - Second. 4-1 Bill Mullin Abstained.

Alternate Appointments to the Board of Assessors - Nancy asked the board if they would be interested in interviewing Mr. Wexleblat and Mr. Bintliff for Alternate appointments. Dore' said we might interview for the members for the Board members who have not met them. Staff was asked to schedule them.

FANS - Nancy spoke about the recent newsletter and clarified the issue was the structure of the service, not the elimination of the service.

CABLEVISION - Nancy announced that Cablevision has awarded the Acton Memorial Library a grant of fine arts film collection, and thanked Cablevision and Mark Tomyl for their gift.

Conservation Land Tours - Anne urged the Board to attend one of the scheduled tours.

Beacon's Reader Advisory Group - Anne commended the <u>Beacon</u> on the formation of the Reader Advisory Group.

Ft. Devens Reuse - Anne reported that the Intermodal group has received permission to use the Fitchburg line for freight.

Override Loss - Bill Mullin spoke about the failure of the override, expressed his personal disappointment at its failure and hoped that the community spirit would not be ended by the creation of split sides.

Nancy asked that the voters contact the state legislators and ask that they give the town's relief from State Mandates, noting that we have lost 6 million dollars in aid since 1989.

. Dore' wanted to reiterate that it is incumbent upon us to do what we said we would do and agree on the split with the School.

Dore' asked about the School Deferral and suggested they vote before Town Meeting.

Anne expressed appreciation to the three Board members and staff that have been working with the Coordinating Committee to "hammer out" the figures that limited the failed override to 1.5 million.

TOWN MANAGER'S CONCERNS

EXECUTIVE SESSION

ANNE FANTON - MOVED to go into executive session for the purpose of discussing Contract Negotiations. DORE' HUNTER - SECOND. Anne Fanton took Roll call, All Ayes.

The Board adjourned at 9:40 P.M.

Clerk	 	 	 •
Date	 	 	

Christine Joyce Recording Secty. cmjW11-(373)

BOARD OF SELECTMEN EXECUTIVE SESSION

MARCH 30, 1993

Audubon Hill - Don Johnson and John Murray reported on their meeting with Roy Smith and representatives of the Condo Association. The Board reviewed the letter from Smith asking for funds from the Fund. The Board discussed the request and Dore Felt that we should not disperse any of the funds for the items requested in his letter. Nancy concurred and the Board expressed an inclination to ignore the request at this time.

The Board adjourned at 10:15 P.M.

Clerk	 	
Date	 	

Christine Joyce Recording Secty. cmjW11-(373)

MARCH 26, 1993

TO:

Board of Selectmen

FROM:

NANCY TAVERNIER, Chairman

SUBJECT: SELECTMEN'S REPORT

AGENDA

ROOM 204

8:00 P.M.

MARCH 30, 1993

NOTE: MEETING BEGINS AT 8:00 P.M.

I. CITIZEN'S CONCERNS

PUBLIC HEARINGS & APPOINTMENTS II.

- 1. 8:00 TRIPLE A MARKET - Enclosed please find application and staff comment regarding Triple A's application for a Beer and Wine License within their supermarket at 248 Great Road.
- 2. 8:25 BOSTON EDISION - Strawberry Hill Road - Enclosed please find hearing notice and staff comment.
- 3. 8:30 CLASS II LICENSE - J. SCOTT MOTOR's - Enclosed please find application and staff comment regarding a request for a Class II License at 866 Main Street for Board action.
- 4. 8:45 MARSHALL LAND DISCUSSION, RIGHT OF FIRST REFUSAL, 61A Property on Carlisle Road.

TTT. CONSENT AGENDA

- 5. Accept Minutes March 2, 1993 - Enclosed please find Minutes for Board approval.
- APPOINTMENT Enclosed please find Victoria Beyer's Citizen 6. Resource Sheet along with a recommendation from VCC for appointment as an Associate Member to the Acton Historical Commission for Board action.
- 7. Accept Gift- Enclosed please find a request from Dean Charter to accept a gift of money from the A&B Youth Soccer Program to be used to maintain playing fields for board action.

IV. SELECTMEN'S CONCERNS

Concord Landfill Task Force - Enclosed please find correspondence 8. from Concord for Board discussion.

V. FOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

April 6, 1993 April 27, 1993 MAY 11, 1993 - Mobil Oil Site Plan 204 Main Street

784 acs

5/4/933

BOY SCOUTS OF AMERICA

ACTON, MA

APR 1 0 1933

22 Putnam Road Acton, MA 01720 April 7, 1993

Board of Selectman Town of Acton Town Hall Acton, MA 01720

Dear Sir/Madam:

It is with great pleasure that I invite a Town Selectman to a Court of Honor being given for Christopher St. Jeans on Sunday May 16, 1993 at 7:00 PM at St. Elizabeth of Hungary Church, 89 Arlington Street, Acton, MA. Christopher will be receiving the highest honor Boy Scouting can give, the rank of Eagle Scout.

Christopher has been involved in Scouting for over six years. During his tenure he has earned the badges necessary for advancement, but more importantly has shown the qualities of leadership which are so important in today's society.

We are hoping you may join us in this tribute to a youth who has used the Scout Law and Oath in his everyday life. It is young people such as Christopher who made this country great and who will be the leaders of tomorrow.

Please R.S.V.P. to:

Mr. John J. Millerick 22 Putnam Road Acton, MA 01720

Sincerely,

John J. Millerick

Chairman, Eagle Scout Advancement

5/4/93

BOY SCOUTS OF AMERICA

TROOP # 32 ACTON, MA

> 22 Putnam Road Acton, MA 01720 April 7, 1993

Board of Selectman Town of Acton Town Hall Acton, MA 01720

Dear Sir/Madam:

It is with great pleasure that I invite a Town Selectman to a Court of Honor being given for Gregory R. Murphy on Sunday, May 23, 1993 at 7:00 PM at St. Elizabeth of Hungary Church, 89 Arlington Street, Acton, MA. Gregory will be receiving the highest honor Boy Scouting can give, the rank of Eagle Scout.

Gregory is presently a Senior at Acton Boxborough High School and has been involved in Scouting for over six years. During his tenure he has earned the badges necessary for advancement, but more importantly has shown the qualities of leadership which are so important in today's society.

We are hoping you may join us in this tribute to a youth who has used the Scout Law and Oath in his everyday life. It is young people such as Gregory who made this country great and who will be the leaders of tomorrow.

Please R.S.V.P. to:

Mr. John J. Millerick 22 Putnam Road Acton, MA 01720

Sincerely,

John J. Millerick Chairman, Eagle Scout Advancement S. M. Robinson
150 Butternut Hollow
Nagog Woods
Acton, MA 01718

Nancy Tavernier Chairman of the Board of Selectmen Town Hall 472 Main Street Acton, MA 01720

Dear Mrs. Tavernier:

On May 25, 1993 Andrew D. Robinson, a young man in Boy Scout Troop 284, will receive the rank of Eagle Scout — the highest rank in the Boy Scouts of America.

I would be grateful if a representative of the Board of Selectmen would be available to attend Andrew's Court of Honor, and address a few words to him in recognition of his achievement.

The Court of Honor will be held on Tuesday, May 25, 1993, at St. Matthew's Methodist Church, 435 Central Street, Acton at 7:15 p.m., and an official invitation is enclosed.

I look forward to hearing from you.

Sincerely,

Frederick Rich

Scoutmaster, Troop 284

Frederick Rich.

Cruich blehense Bos Consent (1)
Town of aston

Enclosed is check

for \$10 - representing contribution toward

hlowing my driveway
on max. 14, 1993.

Thank eyese

Phelli Chawfiel

3 thanks of 120

PHYLLIS E. CHURCHILL Contribution 3 MARIAN RD. ACTON, MA 01720 263-5176 Mar. 17, 19, 93	3546 5-20/110
PAY TO THE Cevil Defence Town of action \$ [10-
Shawmut Shawmut Bark, NA Crown Boston, MA 02211	DOLLARS
1:0110002061: 22 370148 711 3546	ruchel

April 26, 1993

Ý

TO: Board of Selectmen

FR: Anne Fanton

RE: The MIT Study on the Mill Corner Plan

On February 11, John Murray sent you a memo commenting on the subject study. John's memo is attached. In the last paragraph, he suggests that if the MIT students' conclusions about the Mill Corner development plan are justified and the existing general citizenry does not significantly benefit from the non-financial aspects (of PCRC's) for assuming the additional tax burden (of density bonuses), the Board of Selectmen may wish to discuss the residential development strategy being pursued by the Town with the Town Manager and the Planning Board. I have reviewed the MIT Study report, which is in the Reading File, and have two principal concerns.

First, the report contains some factual errors that have contributed both to the students' conclusions and to John's response to them. One error is on page 9 of the report. The report assumes that density bonuses are given on top of the number of units allowed under traditional zoning. For example, the report assumes that land zoned for one housing unit per acre could be given a bonus of more units if these units were clustered. In fact, all land for which a bonus is permitted as a development option was first downzoned. In other words, fewer housing units are allowed if the land is developed in traditional fashion. If the development clusters units to preserve open space, the number of units allowed would be equal to one unit per acre. Another error in assumptions is that there was a density bonus given for the Mill Corner development. There was not. The number of units to be built is the same number that would be allowed under traditional development (i.e. if housing units were to cover all the land with equal sized lots.)

Second, The financial analysis compares the Mill Corner PCRC (34 housing units) to the original Great Hill Development (a comprehensive permit development with 98 housing units). John's comments suggest that the report compares a PCRC development with a traditional housing development. His concern seems to be with "the density bonus granted by the Town for a PCRC development," suggesting that if we gain housing units for the sake of preserving "marginal land" as open space, then our Open Space Development and PCRC bylaws are costing us too much for questionable gain. The report does not compare a PCRC or "density bonus" development with traditional development. In addition, the choice of land to be left open was made by the original comprehensive permit developer so that the Mill Corner development does not form a good basis for comparison.

Now that I've thoroughly confused you, I suggest it would be productive to discuss John's concerns about Open Space Development, PCRC's and density bonuses. The proposed Maple Hurst Farm subdivision, in West Acton, might be a basis for discussion. In any case, I would like to make a few additional comments relative to the MIT study and related concerns:

- 1. The students' study compares the long-term costs and benefits (service costs vs. tax revenues) of the 34 unit Mill Corner development with the original 98 unit Great Hill Project (an approved comprehensive permit.) The cost comparison favors the 98 unit Great Hill Project (i.e. lower project tax burden) solely because this project had smaller units with fewer bedrooms, thereby generating fewer children and lower school costs. Both the Mill Corner development and the Great Hill project were "clustered" to preserve open space. In any case, clustering a development to preserve open space or provide affordable housing has nothing to do with the number of bedrooms in its housing units. That is market driven and small "condo" units with few bedrooms are not selling now.
- 2. We were well aware, at the time of the Master Plan, that there is substantial evidence that the costs of providing educational and municipal services are in excess of the additional taxes generated by development, and that the most costly municipal service is schools. Page 13 of the report states, "Under current Massachusetts public finance procedures, most residential development typically has a negative impact on town budgets." For this reason, the Master Plan downzoned undeveloped residential land before applying density bonuses for open space development. Even with some rezoning from commercial to residential uses, the land use changes in Spring, 1990 kept the residential build-out figure roughly the same. It is this awareness, that development does not pay its own way, that drives our interest in impact fees for residential development as well as commercial.
- 3. The Affordable Housing Overlay districts map and bylaw did increase the build-out figure. (This new bylaw has not been used as yet.) Comprehensive permits allow huge density increases in any case, and will again if the market for them returns. The new overlay district simply gave us the ability to plan where such development would occur and influence its design. It was a substitute for comprehensive permits. We did not include the three sites where comprehensive permits had been approved at the time; thus the Mill Corner site is not in the Housing Overlay districts.
- 4. For all other undeveloped land areas (except the three previously approved comprehensive permit sites), use of PCRC development today will permit the same density bonus as use of the Open Space development bylaw. However, that leads to the same number of units as originally allowed in our bylaw plus the "non-financial" benefits to which John refers.
- 5. If the students' cost/benefit calculations are correct, they are suggesting that we should allow only very high density, condominium or apartment-style developments with lots of small units so they will not attract children, or luxury homes on large lots that pay for the children through high taxes. None of this has anything to do with whether the development is clustered or whether the town has received some non-financial benefits from the development.
- 6. The MIT report actually makes a strong case for high density development with open space vs. traditional subdivisions. It also makes some possibly valid suggestions for developing design guidelines and better plans for streets, common land and open land. Unfortunately, their suggestions are planning-intensive and would be very difficult for any department in Town Hall to find time for in our current economic climate.

cc. John Murray

T

Cine

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 2/11/93

TO:

The Board of Selectmen

FROM:

John Murray

SUBJECT:

The MIT Study on the Mill Corner Plan

As you are aware, a small group of Massachusetts Institute of Technology graduate land use planning students have been reviewing the development plan for Mill Corner (Great Hill) for the last 4 months. Subsequent to the completion of their written report, the students made a presentation to Don, Roland, Donna, and myself for approximately two and a half hours. The students reached two major conclusions in their study and they are as follows:

- That the density bonus granted by the Town for a PCRC development, has not benefitted the Town as it should. The students studied both Great Hill development plans and the Audubon Hill development. They reached the conclusion that the developers were taking the "best" land to place the structures and infrastructure on, and leaving the "marginal" land as open space.
- The students' financial analysis indicated that the costs of providing both educational and municipal services to Mill Hill Development as proposed by Kevin Sweeney will be in excess of the additional taxes generated by the development. They estimate the additional costs to amount to approximately \$71,000 per year.

The students' report has been placed in the reading file for your review. I hope that the Board will find time to become familiar with both the conclusions and the methodology, because presently we are aggressively pursuing PCRC developments through the planning review process. If their conclusions are justified and the existing general citizenry does not significantly benefit from the non-financial aspects (open space, diversity through affordability, etc.) for assuming the additional tax burden, the Board my wish to discuss the residential development strategy being pursued by the Town with the Town Manager and the Planning Board.

April 21, 1993

Mr. Andrew C. Bailey
Powers & Hall Professional Corporation
100 Franklin Street
Boston, MA 02110-1586

Subject: Whittier Estate

Dear Mr. Bailey:

Some time ago, when we were involved with the estate of John Whittier, you indicated that Mr. Whittier had left the preponderance of his land to the Department of Fisheries. From this information, we are hopeful that his actions have maintained the integrity of the Chapter 61 protection that has existed on this property.

In order for the Board of Selectmen to confirm that their right of first refusal was not triggered by this gift, we would ask that you forward a copy of Mr. Whittier's will (or other pertinent documentation) for our review. The Town's focus in this review is primarily to confirm any appropriate use restrictions or other limitations that protect the Town's interests in the property. We would appreciate any information or material that you may be able to provide so that we may close our file on this property.

truty yours

Don P. Johnson Town Manager

cc: Board of Selectmen
Town Counsel

DPJ:653

NANCY E. TAVERNIER, Chairman Board of Selectmen

April 7, 1993

Mr. Andrew Bailey
Powers & Hall Professional Corporation
100 Franklin Street
Boston, MA 02110-1586

Dear Mr. Bailey:

The Board of Selectmen is in receipt of your notice of intention to sell a parcel of land located at 42 Carlisle Road, Acton, Massachusetts, the record owners of which are Andrew C. Bailey et al, Trustee of 1989 Mary S. Marshall Revocable Trust and as Trustee of WLM Trust (the "Owners"). As stated in your notice, the land consists of approximately 7.021 acres and is described as Lot 3 on a Plan of Land in Acton Massachusetts, dated September 4, 1992, containing approximately 7.0210 acreas, a portion of said plan being attached to the Agreement as Schedule A ("the Premises") (Said land is hereinafter referred to as "Lot 3".) A portion of Lot 3 is presently classified as Forest Land pursuant to Chapter 61 of the Massachusetts General Laws and is thus subject to the Town's first refusal option under G.L. c. 61, s8. This letter will serve as notice that, on March 30, 1993, the Board of Selectmen voted that the Town will not exercise its first refusal rights with respect to Lot 3.

Although the Town has voted not to exercise its first refusal rights with respect to Lot 3, please be advised that, in so voting, the Town has in no way waived its first refusal rights with respect to the balance of the approximately ninety-acre tract, commonly known as the "Marshall Land", of which Lot 3 is a part.

Additionally, you should also be advised that, in voting not to exercise its first refusal rights with respect to Lot 3, the town has not conceded that where, as is the case in the proposed sale of Lot 3, only a portion of land involved in a

4.

Mr. Bailey Page 2 April 7, 1993

proposed sale is classified as Forest Land, it is necessary for the town to match the full offer to purchase in order to exercise its first refusal rights under G.L. c. 61, s8. Rather it is the Town's position that, in such a case, the Town may exercise its first refusal rights by purchasing only that portion of land which is classified as Forest Land and without purchasing any additional land which may be included in the proposed sale. Nevertheless, in the present case, the Town has voted not to exercise its first refusal rights even with respect to that portion of Lot 3 which is classified as Forest Land.

If you should need any further documentation to effectuate the proposed sale, please do not hesitate to contact me.

Very truly yours,

Rancy L. Zavernier
Nancy E. Tavernier

Chairman

ACTON BOARD OF SELECTMEN

378cmj

R.Smith

NOTE TO BOS - I HAVE

SPOKEN W/ROY REGARDING

THIS CETTER · WILL BE PREPARED

TO DISCUSS IF YOU DESIRE. EXEC.

SESSION MIGHT BE APPROPRIATE.

292 GREAT ROAD • ACTON, MA. 01720

• TEL. (508) 263-0011

April 29, 1993

APR 2 a 1933

Don Johnson, Town Manager Town of Acton Acton, MA 01720

Re: Letter of March 30, 1993 regarding Senior Center

Dear Don,

I realize how busy everyone is with the tax override, but it has now been a month since we last corresponded and I have received no formal or informal response regarding the funds required to finish the Senior Center.

I have received, through Eric, a letter from the Planning Department which discusses items to be completed by 6 May in the South Phase in order to receive Planning Board approval or sign-off so we can release the first two units in the North Phase. Included in that letter/list are two items which are not the prerogative of the Planning Board in regard to signature. Specifically, item 7 regarding the Senior Center is your/selectman's responsibility.

The bank, namely Dave Conley who made the agreement with the town regarding maximum expenditure and release of the \$130,000, does expect that the Planning Board release on the 10th will coincide with your release so we can pass on the following day.

The problem is that no one seems to have time to confirm this fact. I have been calling for one week, and we are "breaking our backs" to meet the deadline on the Planning Board letter.

I do not want this to become a problem. Is it?

Cordially,

Roy C. Smith



ACTON SURVEY & ENGINEERING, INC.

JOHN E. DUNPHY, JR., President

C

P.O. BOX 666 • ACTON, MASS. 01720

April 21, 1993

SRED Futures, Limited c/o Roy C. Smith 292 Great Road Acton, MA 01720

Re: Audubon Hill Condominium High Street, Acton, MA

Dear Roy,

JOHN -

CHRISTINE ADVISES THAT THIS
HAS BEEN GIVEN TO BOH & ENGRG.
I SUGGEST THAT STAFF DISCUSS
THIS ASAP AND PREPARE OUR.
THOUGHTS / RECOMMENDATIONS. MY
FIRST THOUGHT IS "WHERE DID THE
15,340 GPD COME FROM AND WHY IS THIS
THE FIRST REFERENCE THEY HAVE MADE TO

Per your request, we have evaluated the potential impact of changing the Elderly Center from the original design which was based on a catered lunch program, serving 30 to 50 meals per day, prepared off-site, to a facility with a cafeteria serving 100 meals (people) per day.

The closest use described in Title 5, the State Environmental Code, would be a School, With cafeteria, but not gymnasium or showers. The flow from this use is estimated at 15 gallons per person per day.

Total estimated flow for Lot N would be:

52 bedrooms at 110 gal. / bedroom / day = 5,720 gpd
Elderly Center...100 people @ 15 g/p/d = 1,500 gpd
Recreation Center...144 residents @ 3 g/p/d = 420 gpd
Total estimated daily flow = 7,640 gpd

Please note that this flow estimate is based on the daytime use of the facility for the proposed Council on Aging lunch program. If the facility is to be used for other uses on evenings and / or weekends, the flow estimates should be increased to reflect those uses (neighborhood / church functions, dinners, hall rental, etc...).

The existing leaching trench system has a capacity of 6,951 gallons per day with 10 trenches (695 gpd / trench). To accommodate the above flow, one additional trench would be required. However, due to the trench layout, two additional trenches would have to be constructed in order to achieve equal distribution.

The Septic Tank proposed for the Elderly Center must, accordingly, be increased to a 2,500 gallon capacity and a 1,000 gallon Grease Trap must be added. The Grease Trap must be inspected monthly and cleaned (pumped) when the level of grease is 25 percent of the effective depth or at least every three months.

It should be noted that the total flow for Audubon Hill will then be 15,340 gallons per day, mandating approval of the system by Mass. D.E.P., which may require additional treatment of the waste prior to its disposal to the ground; as well a full hydrogeological study; on-site and off-site monitoring wells, etc. in conjunction with a Groundwater Discharge Permit.

If additional information or assistance in this matter is required, please contact us.

Very truly yours,

ACTON SURVEY & ENGINEERING, INC.

John E. Dunphy, Jr., President

file no. 1903

SELECTMEN'S MEETING APRIL 6, 1993

DRAGT

The Board of Selectmen held their regular meeting on Tuesday, April 6, 1993. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Jeff Mcharge, 4 Foster Street, representing a coalition of citizen's interested in presenting a supplemental budget at Town Meeting outlined the purpose and intent of the proposed plan. They assured the Board that if the proposal fails that they will not pursue additional Town Meetings or override action. They propose to restore an additional \$687,000 to the B Budgets as presently presented. They feel that this action at town meeting will further define the will of the people. They have contacted Don MacKenzie and have had discussion with him on the way this is to be presented.

Janet Murphy, 26 Concord Road, asked about the supplemental budget proposal and would they be returning funds to the Townside as well. They said that it would be in the formula agreed to.

Bea Perkins said that she felt that the Ballot Vote demonstrated the will of the people and that in previous years when an override passed the opposition did not ask for further votes.

Jean Glidden spoke about the NESWC issue and the Board took the opportunity to explain the issue as it related to the budget and fixed costs, such as SPED at the School side.

Jack Ormsbee felt that this was a credibility issue and that the ballot vote should not be challenged on Town meeting floor or at a special election.

Garry Pavlock, Madison Lane spoke about the need to revote as the 100 votes that lost the override was a small margin. He said we should spend money to keep the school budgets intact. It was one of the reasons he moved to the Town and felt education was important and the budgets should be restored.

Dore' outlined his feelings on whether the Board should vote to put another override before the voters.

Janet Murphy spoke about the override margins in past years and that this years margin and voter turnout told the story of the voters wishes in her opinion.

Nora Russell spoke about the amount of notice that would have to be given to the public if an override was again placed on the ballot. Nancy explained that Town meeting could vote a

Non-binding Resolution that would direct the Selectmen to put an override question on a special ballot. However, the Board of Selectmen have the final say option as to if and when one is presented by statute. She expressed concern about the cost of a special election with is estimated at \$8,000.

Anne Chang, Billings Street felt we should take the hit this year and "put all our eggs in next year's basket".

Robert Matson felt we should take our lumps now.

Robin Wiltke expressed that people want to know how to prevent the slide and decline of services and education in Acton.

Elizabeth Golden stated she felt that the Town and Schools have been cutting budgets. She supports the Town and Schools in their efforts.

Nancy Tavernier said she was ready to accept the defeat the of Override and move forward. Unfortunately, the Town has begun to tear its self apart and she was concerned about that. Her concern is that we don't slash at the budgets at Town Meeting and said the Board is planning the present the B Budget as required by the defeat of the Override question.

She felt she is bound by the Vote to present the B Budget. Dore's position is if we have been instructed to go with B budget we shall proceed with B Budget. If Town Meeting gives the sense that another override question should be presented, the Board would review it, however, he feels it would be detrimental to next years vote.

Anne agreed with Dore' and Nancy, she attended the Coordinating Committee Meetings and found it became clear that they worked very hard to limit the override amount to the 1.55 that was presented. If action were taken to reduce the amount of the original question it would appear that the original figure was inflated, even though it was not. She can see both sides, and it will make a big difference to her what Town Meeting decides.

Norm feels that the Override was 1.5 because it is what was needed to maintain the budgeted services. The defeat of the override means that we are now going to reduce our services as decided by the vote.

Bill said his duty is to take a long view approach. He felt the rules allowed "another swing at the ball" and he felt strongly that the override lost, but the rules say you can take another look at it and could be convinced to do that if that were the will of the voters. Nancy thanked all that attended for the informative and constructive mood of the meeting and urged this be continued at Town Meeting.

PUBLIC HEARINGS AND APPOINTMENTS

ACTON CHILDREN'S PLAYGROUND COMMITTEE

Elizabeth Golden and Cindy Berlied presented the plans for the Toddler Playground at Goward Field. They came before the Board for the board's approval of the completed project as planed and for acceptance of Phase I of the project. Bill Mullin asked about the insurance costs. Dean said that we have an Umbrella policy and no additional funds would be needed in that area. The Library trustees again asked about parking. They plan that the parking would be in the lower lot and that the playground would be utilized by those bringing their children to the library as part of an outing. They expect and encourage visitors to walk to the site also, and felt that the numbers this will attract will not negatively impact parking.

Nancy thanked the Committee for their gift to the Town and wished them luck in reaching their goal of completion.

DORE' HUNTER - Moved to approve the completed plan and accept Phase I. NORM LAKE - Second. UNANIMOUS VOTE.

SCOTT MOTOR'S - CLASS II - 866 MAIN STREET HEARING CONTINUATION FROM MARCH 30, 1993

The Board discussed Mr. Scott's request for a Class II License at 866 Main Street. After reviewing correspondence from staff the board decided that Mr. Scott could re-apply at a later date. DORE' HUNTER - Moved to deny Mr. Scott's request for a Class II Dealer's License at 866 Main Street and that he may reapply without prejudice at a later date. ANNE FANTON - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

DORE' HUNTER Moved to accept the consent calendar as printed. NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

Eagle Court of Honor - Dore' offered to represent the Board at the April 28th Court of Honor for Andrew Mason.

Signal Warrant Study- Post Office Sq. - The Board discussed the consultant's report. Dore' said that the counts were done on the present volume, it will increase as the area gets closer to completion. Don asked the board for direction. He was asked to

go back to LMI and Smith to have them begin construction. Bill asked about a letter of credit from LMI to insure the completion of the project. Don said a letter of credit from LMI would be in order and Bill asked staff to secure it. DORE' HUNTER - Moved to direct installation of the Traffic Signals on terms, permitting, grants and to seek appropriate letter of credit to see that the project is completed. NORM LAKE - Second. UNANIMOUS VOTE.

Anne asked that the impact of a No Left Turn on the Common be studied as staff time permits.

Article 25 - Handicapped Van Spaces - The Planning Board has voted to recommend against adoption of this article due to the negative impact on small business. BILL MULLIN - Moved to take not action on this article at this time and to re-submit in the Fall after more study and review can be preformed. DORE' HUNTER - Second. UNANIMOUS VOTE.

Article 16 - After discussion with the Town Manager and Asst. Town Manager it was decided to wait and submit this article to a later Town Meeting if it were determined we needed to. DORE' HUNTER - Moved to take no action on article 16. ANNE FANTON - Second. UNANIMOUS VOTE.

Coordinating Committee Compromise - Nancy reviewed the draft she prepared with the Board. DORE' HUNTER - Moved to accept the draft on the table as modified by Nancy and the Board. ANNE FANTON - Second. UNANIMOUS VOTE. Norm urged the board to take a leadership position and the Board to take a stand. Staff was asked to forward a copy of the Compromise with changes to Bill Ryan and the Finance Committee.

Board of Health - Anne asked that the Board of Health be scheduled as soon as possible for their oversight meeting.

West Acton Library - Anne asked if plans have been formulated for the closure of the Library in advance of the July 1st date for a smooth transition.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 11:15 P.M.

Clerk		 	-
Date	 	 	

Christine Joyce Recording Secty. cmjW11-(376)

SELECTMEN'S MEETING APRIL 12, 1993



The Board of Selectmen held their Special pre-town meeting meeting on Monday, April 12, 1993, at 6:45 P.M.. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None

PUBLIC HEARINGS AND APPOINTMENTS

None

CONSENT CALENDAR

None

SELECTMEN'S CONCERNS

Budget Amendment (Supplemental Appropriations)

Bill Mullin asked about the deferral amount. Don said that if article 8 fails, they will need a different motion but we are also talking about laying over to another town meeting if Article 8 fails. This is another complication - the region has voted deferral.

The Board discussed whether to take a position on amendment: Norm said we could oppose it because of impact on another override next year.

Dore' suggested and it was agreed that we take no position. Nancy will explain that we put an override up and said we would support B Budget if it failed. However, the Board of Selectmen will listen to town meeting.

If article 8 fails, it was agreed that we'll pull out all monetary articles (9,10,11,12 & 17) amd move to continue the meeting until 4/26. If this motion fails, we'll go into 15 minute recess. If voters argue Article 8 breaks our pact with last town meeting, answer is "one town meeting can't obligate a future meeting.

If asked how would restore any new money to the budget the board agreed according to the list as presented and this would be discussed again tomorrow night. Bill Mullin agreed to put W. Acton library in (change its place on the list. Anne disagreed saying decision was based on need to consolidate services and balance needs. we would just postpone the issue until next year's B budget.

Discussion of when to vote on override for supplemental budget agreed on 4/27.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 7:20 to readjourn at the conclusion of this evenings Town Meeting. Returned at 8:30 due to difficulties in operation of sound system.

Anne Fanton moved to go into Executive Session - for the purposes of discussing litigation. Dore' Hunter - Second. Anne took roll call, all ayes.

Clerk	 	
Date	 	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(381)

EXECUTIVE SESSION April 12, 1993



FARM HILL SUBDIVISION

Mike Callaghan summarized the land court decision on Farm Hill Subdivision. The appeal period ends April 30, 1993.

Nancy said the Planning Board wants to appeal. Mike noted two cases of subdivision appeal.

The plan was approved subject to conditions the conditions are source of complaint.

- 1. Widening of Great Road at intersection
- 2. Study for traffic signal

• .1

It is clear that the Town cannot require work on a state highway, it can only require funding of work. That part is not appealable.

- 3. Widening of Estabrook to new subdivision entrance can request and be given by developer and he pays for widening.
 - 4. No curb cuts along Great Road.

Court overruled both - shakiest part of Judge Sullivan's decision is widening of Estabrook Curb cut part is unclear. State can say "no" whether it can say don't go out Estabrook Road, not clear.

Zoning - Involves residential zoning of 16 acre parcel. R-8 as land adjacent to it down Estabrook. Is a question of context. Judge Sullivan has stressed that the parcel was the only one from Main Street to be residentially zoned except Midas Muffler. Not reason in view of way Great road has developed in last 30 years. Our argument is parcel is big. Can put houses on back. Can put affordable housing on site. Is a lot of business and apt. use on Great Road. Mike noted the Judge Sullivan had written an appeal geared to survive an appeal. She found facts that would do that. She ignored housing, spc. permits, etc. stressed what parcel was next to.

Mike questioned the chance on appeal. He has general reluctance on power of courts to invalidate local zoning. Primarily local legislative matter. But are spot zoning cases in which court invalidates them. Mike's own sense - the issue that may attract attention of SJC is notion that all a lot of town's would have had zoning done in late 40's, early 50's which developed a sense then and are now rethinking whether zoning is appropriate under 90's conditions. Might make them (SJC) willing to go out of their way.

Mike said that on both questions it is always hard to quantify judgements on appeal. 50-50 chance.

What happens next re Subdivision approval, planning board approved subdivision plan protects for 8 years. If there was a real will to develop it it would already be underway. But is owned by trust. Family will probably fight about it after Mrs. Diduca dies. The Concern is regarding zoning - If we don't appeal, possible other landowners would see possible challenge. Consider limited business for this parcel. An alternative would be to propose Limited Business change at Fall Town Meeting.

The Board made no decision pending comments from Planning. Dore's idea is leaning toward filing appeal to hold it but not going forward. Will look at triggering zoning, e.g. rezone DiDuca and a few others to limited business r/t/ residential, and to wait to hear from Planning Board about what else would have to be changed what are the impacts we might have to go to court for next challenge. Board of Selectmen's decision will have to be made on 4/26 or 4/27 before Town Meeting.

Board adjourned at 9:30 P.M.

Clerk	 <u> </u>	 -
Date	 	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(381)

SELECTMEN'S MEETING APRIL 26, 1993



The Board of Selectmen held a Special pre-town meeting meeting on Monday, April 26, 1993, at 6:45 P.M.. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None

PUBLIC HEARINGS AND APPOINTMENTS

None

CONSENT CALENDAR

None

SELECTMEN'S CONCERNS

PROCLAMATION - Nancy presented the Salvation Army's request to declare 5/10-16 as Salvation Army Week. NORM LAKE - Moved to Proclaim May 10-16 as Salvation Army Week. DORE' HUNTER - Second. UNANIMOUS VOTE.

BUDGET AMENDMENT (SUPPLEMENTAL APPROPRIATIONS) Nancy spoke about the decision made previous on the board "Taking No Position" on the amendment and asked for confirmation of that decision. Nancy read her draft statement for the Board explaining "no position" all agreed with it. Individual members will decide how to vote individually.

Nancy read draft statement about B Budget cuts. Dore' pointed out we should add a statement about wage settlements. All agreed.

Question may come up about when we'll take position on override. It was decided to discuss it on May 11 and to begin the meeting at 7:00 to accommodate the anticipated crowd since we have two site plans. Comments can be made only if new information and will urge votes to send comments in writing.

GARDEN CLUB SIGN - ANNE FANTON - Moved to approve the request to place a sandwich sign on the common area between the library and town hall.. NORM LAKE - Second. UNANIMOUS VOTE

CULTURAL COUNCIL ISSUE- It was agreed to wait until Fall town meeting with ballot question if Spring if no Fall Meeting is planned.

RETIREMENT - Nancy noted receipt of Mary Larson's retirement letter.

CONGRESS MEEHEN - The Board is invited to a meeting on May 8 at Town Hall. Nancy will attend. Dore' will if in town. Anne will be unavailable.

SCHOOL MANDATE LETTER - Nancy cited the Norfolk case. Town lost case against mandate to close their landfill. Don said the real issue is that schools's are not subject to mandate law. DORE' HUNTER - moved to sign it in the interest of goodwill. NORM LAKE- Second. UNANIMOUS VOTE.

PLANNING BOARD'S MAPLE HURST FARM SUBDIVISION * PCRC. There is a question as to whether Town would want to own common land. Anne reported on her conversation with Roland today. DORE' HUNTER MOVED- To indicate the Town's interest in owning land only if it is a parcel in front of sufficient size to be used as a soccer field We would not be interested in owning land in back. NORM LAKE - Second. 4-1 Bill abstained as interested party (an abutter to an abutter).

TOWN MANAGER'S CONCERNS

None

EXECUTIVE SESSION

Anne Fanton moved to go into Executive Session - for the purposes of discussing litigation. Dore' Hunter - Second. Anne took roll call, all ayes.

The Board adjourned at 7:15.

Clerk	
Date	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(384)

EXECUTIVE SESSION April 26, 1993

FARM HILL SUBDIVISION

The Board discussed whether to file an appeal on the DiDuca decision. DORE' HUNTER - Moved to file an appeal to buy us time to discuss the issue further. NORM LAKE - SECOND. UNANIMOUS VOTE.

The board will discuss this further with the Planning Board at the May 4th meeting in an joint executive session.

Board adjourned at 7:15 P.M.

Clerk		
Date		

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(381)

SELECTMEN'S MEETING APRIL 27, 1993



The Board of Selectmen held a Special pre-town meeting meeting on Monday, April 27, 1993, at 6:45 P.M.. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None

PUBLIC HEARINGS AND APPOINTMENTS

None

CONSENT CALENDAR

None

SELECTMEN'S CONCERNS

Anne Fanton asked what cut would be made if Article 17 W. Acton Library) passes. Dore' suggested; Anne says we would go to priority list and look at next place to cut. Bill asked about Free Cash. \$30,000 in free cash, but the only problem is that they are going to say is more valuable than a traffic signal, for example. If it passes, could adjust list. Agreed we Could make such an adjustment later if we have to. Nancy said it important that people not think we can find money. Dore' if it passes, we should notify trustees when we discuss what to do.

CHEZ CLAUDE - One Day Liquor License Request Approved for Mother's Day.

SPECIAL MEETING - It was agreed to hold a special meeting on May 4, 1993 at 7:30 to make a decision on Override and placing question on ballot with a possible June 8 date.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 7:15.

Clerk		
Date	 	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(384)

(COPIES OF SAME LTR.
ADDRESSED TO EA. SELECTMAN)

Ma Favernes

6 Bromfield Road Acton, MA 01720

April 28, 1993

To The Acton Board of Selectman:

The process of two late night Town Meetings poses tremendous hardship on many, including parents who needed to arrange babysitting. Having left my children for those two nights, and the night of April 12th, I now find myself unable to attend the May 4th meeting of the Board of Selectman. Hopefully, some alternatives may be found to facilitate more equitable community participation in Town Meeting in the future.

I do hope that the Board will respond favorably to the Town Meeting vote and call a special election on (or before) June 8th, regardless of what additional public comment may be made in opposition on May 4th. Please recognize the will of those of us who are unable to attend. Please also indicate whether it is legally acceptable or appropriate for supporters of the amendment to make voluntary donations to help defray costs of the override election.

I appreciate the constructive comments of participants (both those in favor and opposed to the original override vote) which demonstrate that we can work together and achieve compromise for the benefit of the community. But the override is just the beginning. We need to work together to implement change at several levels so that we are not forced to return for huge overrides year after year.

- 1) We need to work with our elected representatives to promote legislative reform which will ensure adequate funding of essential basic services such as education through a mechanism which is more equitable than property taxes. This does not necessarily require a State bailout, but possibly some other restructuring of the tax system based on ability to pay.
- 2) In the absence of such reform, we need to promote modification of Proposition 2 1/2 to allow community tax rates to keep pace with inflation.
- 3) We need to develop options to limit our financial liability to NESWC through increasing use, perhaps by non-residents, of the Acton transfer station.
- 4) We need to demand financial relief from the State to support mandated program expenditures and costs connected with mandates such as recycling.
- 5) We need to take a closer look at our town expenditures and

consider alternative funding of some specific programs through such mechanisms as user fees, as many other communities have done.

- 6) We need to actively seek voluntary contributions to support various services through such groups as "Friends of the Acton Libraries" or "Friends of the Acton Schools."
- 7) Many constructive suggestions were raised at Town Meeting concerning all aspects of the budget process. Requests were made for more complete and objective information to voters, for line item budgets, and for a pyramid override.

I urge the Board of Selectman to educate the community through a special meeting or through mailings or articles in <u>The Beacon</u> on how we as individuals can participate in the political process to recommend, evaluate and implement effective change and to ensure that our voices are heard when decisions are made concerning when, where, and how specific cuts and changes will be made.

Marilyn P. Leeds

cc: Senator Robert Durand
Representative Pamela Resor

Proposition 2½: It's killing our communities

Down, down, down we go

BY KENNETH J. MOYNIHAN

otta do it. At least once a year. Gotta say it again. Proposition 2 1/2: It's murdering us.

Budget time is here once again, so once again city and town officials are realizing. with a shudder, that what needs doing can't be done. So they ask,



rides. And the voters turn most of the overrides down and our cities and towns slide a little further downhill.

The voters of Massachusetts in 1980 passed a law prohibiting their cities and towns from taxing property at more than 2.5 percent of assessed value.

That 2.5 isn't the one that's done most of the damage. When property values soared in the '80s, it was easy to keep the tax rate down. It is becoming less easy as property values fall.

The real killer, so far, has been the other 2.5, the provision that says: This year, a city or town can raise in taxes only 2.5 percent more dollars than it raised last year. Since the inflation rate has been greater than 2.5 percent each year, Proposition 2 ½ makes each city and town cut back on the services it provides year after year after year.

For a while, the state came to the rescue, placing municipalities on a welfare system known as "aid to cities and towns." What we weren't paying in property taxes we paid in state income, excise and sales taxes, and they sent some of it back.

Then came the recession, and the state's income started to dry up, and so did the municipal welfare program. Now the best cities and towns can hope for is "levelfunding," the same welfare check this year they got last year. Meanwhile, back home Proposition 2 ½ does its deadly work, year after year after year.

What shall we use as this year's example? Worcester's school buildings perhaps? The School Committee has been doing its best to keep teachers in the classrooms and to keep class sizes reasonable. They haven't succeeded, but they've been doing their best.

One way to pay for teachers is to cheat a little bit on the buildings. Actually, to cheat a lot. There used to be more than 200 custodians. Now there are 129, They used to have 60 tradesmen. Now they have 30. They have four painters for 1,300 classrooms, not to mention the hallways and offices and rest rooms.

A deputy superintendent told the truth: "We have not maintained the schools for so long, they are just falling apart."

Adults write angry letters to the editor | Prop 2 1/2.

when they go to night classes and find the rest rooms filthy and the plumbing broken. Kids go in and out of those bathrooms every day. They also see the leaky ceilings and the classes being held in spaces not meant for instruction. It tells them something about how we value them and their education.

What if we didn't have Proposition 2 1/2? Most of us would pay more in property

We would have better public buildings, better education, better roads and sidewalks, better libraries, better parks, better police and fire protection — all the things we ask our cities and towns to do for us, as if they were not we.

There is, and always must be, a tension between our desire to take care of our communities and our reluctance to pay taxes. There has to be some way of keeping government from taking as much money from us as it likes.

Traditionally, we did that by voting in town meetings or by electing school committees and city councils to act on our behalf. Proposition 2 ½ has changed the rules. If the town meeting or the School Committee or the City Council, after the most careful deliberation, concludes that taxes above the Prop 2½ limits are required, they must ask the voters to allow that by coming to the polls and overriding

The deck is now stacked in favor of the people who pay little or no attention to their community and its needs, but who know for sure they don't want to pay higher taxes. Quite routinely, the citizens who listen to the discussion in town meeting vote for spending beyond the Prop 2 ½ limits, which forces an override election, at which the folks who did not bother to go to the town meeting come out, vote "No," and leave the community needs unmet.

At the very least, the Legislature has to change Prop 2 1/2 to allow cities and towns to keep up with inflation without asking for an override. That won't start us back uphill, but it will slow the speed at which we are heading down.

There's much more falling apart than iust our schools.

Clarification

Ken Moynihan's column last week was intended as a satire of the city's "Sinkgate" controversy. Apparently some readers didn't get the joke and at least two city councilors complained that they have been fielding phone calls from upset city residents. We regret any misunderstandings.

Redi-Lube"





MIKE CALLAGHAN / NORM COHEN - PLEASE CONTACT

ME IN THIS REGARD.

CC: BOS

Incorporated 1873

CITY HALL

PLEASE MMDNWEALTH AVENUE AND WALNUT STREET

NOTE

N

April 28, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Norman Lake, Selectman Town of Acton 472 Main Street Acton, MA 01720

RE: Middlesex County Commissioners v. Middlesex County Advisory
Board, et als., Civil Action No. 93-2293

Dear Mr. Lake:

As you know, we have been sued by the Middlesex County Commissioners regarding the FY 1994 county budget, and specifically the transfer of funds for security at the courthouse from the County Commissioners to the Sheriff's Office. I believe that the suit is spurious; however, it still must be defended. It seems that having each defendant represented individually by a different attorney in this case would lead to duplication of effort and waste of scarce resources.

To avoid this problem, I suggest that representatives of each defendant meet here at Newton City Hall with City Solicitor Daniel M. Funk and his staff on Friday, May 14, 1993 at 10:00 A.M. in room 209. The purpose of the meeting will be to discuss how best to proceed with an effective defense, perhaps by setting up a defense committee and designating lead counsel. We will also discuss the appropriate contributions of all defendants to defense costs, including the time commitment which will be made by lead counsel.

Please let me know, in writing, by Tuesday, May 4, 1993, whether you or a representative will be able to attend this meeting. If not, please give me any suggestions you may have about the best way to organize the defense effort.

I look forward to seeing you on May 14, 1993.

Very truly yours,

Theodore D. Mann

Chairman, Middlesex County Advisory Board

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 4/29/93

TO:

The Board of Selectmen

FROM:

John Murray

SUBJECT:

The Format of the Local School Budget

Selectmen Hunter has asked for the section of the General Laws, which pertain to the format of the local school budget request, and it has been attached for your review.

the purpose of furthering the educational, cultural and social experiences and development of children.

History-

1973, 209.

Federal Aspects-

Prohibition of elementary and secondary education assistance for religious worship or instruction, 20 USCS § 3384.

FORMS

Complaint—Allegation—Challenging constitutionality of Section 31A of the Annotated Laws of Massachusetts relating to establishment of guidelines for celebration of Christmas

It is the opinion of plaintiff that Section 31A of Chapter 71 of the Annotated Laws of Massachusetts _______ [state interpretation advocated by plaintiff]. For this reason Section 31A of Chapter 71 of the Annotated Laws of Massachusetts violates the Constitution of the Commonwealth of Massachusetts and the Constitution of the United States of America. The section is illegal, unconstitutional and without force of law in the following respects, among others: ______

§ 32. Observance of Memorial Day.

In all the public schools the last regular session, or a portion thereof, prior to the last Monday in May, known as Memorial Day, shall be devoted to patriotic exercises.

History-

1890, 111; RL 42, § 20; 1970, 547, § 4.

Editorial Note-

The 1970 amendment changed the dates of certain legal holidays which by statute are to be celebrated on Mondays.

§ 33. [Repealed, 1979, 439, § 1.]

§ 34. City or Town to Provide Money for the Support of Public Schools.

Every city and town shall annually provide an amount of money sufficient for the support of the public schools as required by this chapter, provided however, that no city or town shall be required to provide more money for the support of the public schools than is appropriated by vote of the legislative body of the city or town. In acting on appropriations for educational costs, the city or town appropriating body shall vote on the total amount of the appropriations requested and shall not allocate appropriations among accounts or place any restriction on such appropriations. The city or town appropriating body may make nonbinding monetary recommendations to increase or decrease certain items allocating such appropriations.

The vote of the legislative body of a city or town shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation.

History-

CL 137; CL 305; 1692-3, 26, § 5; 1701-2, 10, § 1; 1718-19, 2; 1789, 19, § 6, 7; 1826, 143, § \$ 4, 10, 19; 1829, 116; RS 23, § \$ 9, 32, 60, 61; 1859, 238; 1859, 252, § \$ 4, 5; GS 38, § \$ 12, 14, 15, 36; 1871, 145; PS 44, § \$ 17, 19, 20, 46; RL 42, § \$ 22-24, 49; 1919, 292, § 9; 1920, 78; 1939, 294; 1979, 194, § 2; 1980, 580, § 7; 1981, 471; 1981, 782, § 14.

Editorial Note-

The 1979 amendment, in the first paragraph, added a provision for payment from available funds pursuant to ALM GL c 44 § 31.

The 1980 amendment, rewrote the first paragraph, eliminating the penalty for failure of a municipality to provide sufficient support for its public schools and adding a proviso that municipalities are not required to provide more money for support of the public schools than is appropriated by vote of the municipal legislative body.

The first 1981 amendment, in the first paragraph, added the second and third sentences which prohibit cities and towns from allocating appropriations among accounts or placing any restriction on said appropriations, but which allow such cities or towns to make nonbinding monetary recommendations.

The second 1981 amendment added the second paragraph.

Law Reviews-

Judicial Council's discussion of a proposed amendment to the instan section so as to provide for the awarding of counsel fees in actions brough against a city or town for failure to provide money for the support of publischools, 45 Mass LQ No. 54-55.

CASE NOTES

1. In general

2. Constitutionality

- 3. Duty to support schools-In general
- 4. -Mandatory nature of duty
- 5. Budgeting
- 6. Raising funds; taxes
- 7. Appropriations for particular educa-
- tional costs-Supplies and equipme
- 8. —Transportation
- 9. -Teacher salaries
- 10. —Administrator salaries
- 11. -Salaries of other personnel
- 12. -Other costs
- 13. School committees-In general

TO: Board of Selectmen

4/30/93

FROM: Nancy Tavernier

SUBJECT: 1993 Town Meeting wrap-up and Line item budget

I think it is important for us to debrief on this Town Meeting while it is still fresh in our minds. The one issue that needs expansion is the Line Item budget before it really does take on a life of its own.

I taped the budget discussion on the second night so that I could more rationally determine what the concerns were and how many people felt strongly enough to comment on the Town's budget. The following is a a complete list of people who spoke and what their main concerns were:

- 1. John Benson Concern for those taxpayers on fixed income, the unemployed and the seniors who prevailed on the override vote.
 - 2. Bill Cady Asked how the cuts would be restored.
 - 3. Jim Moss proposed user fees for households with children.
- 4. Bob Evans Concerned about the municipal budget and hiring new people. Wants all new positions (Town only) placed in separate warrant articles. Fundamental decisions should be debated and decided by Town Meeting. Considered amending budget to pull out certain items to put into separate warrant articles. In future years if Town Meeting is not brought back into process, then they will have to assert themselves to force it.
- 5. Charlie Kadlec Wants line item budget by next year's town meeting, and stated we shall have one, soliciting anyone interested to contact him. How can we affect BOS priorities? Traffic light not as important as West Acton Library. Encourage everyone to come to BOS mtgs. to set priorities differently. How many municipal employees, how many increasing, how many deleting? What is rationale for new positions. Plea for better information not restricted to municipal side, school handout needs to be clarified. Give us good complete full information. We should be confident that we have all information not only if we are clever enough to ask for it.

N.T. NOTE: what about the 43 pages of information in the warrant?

6. Marilyn Leeds - Prop 2 1/2 needs to be revised to inflation factor. Town budget needs to be dissected to see if user fees and other mechanisms can be used.

Become involved in dialogue.

- 7. Kathy Campbell supports override eventhough unemployed. Should create a fund to subsidize taxpayers who can't pay.
- 8. Scott Anderson should hear from students since they are recipients Should talk to children about override, ask them to kick in allowance.
- 9. Bert Shaeffer Clear feeling that community is not satisfied with voting up's and down's on big chunks of money like the omnibus budget. Return to line items in reasonable chunks so that voters can make independent decisions. Unhappy with way information is presented because terminology (e.g. FTE) is unclear. Want to know how many teachers teach a particular subject. Town officials should put themselves in shoes of average town meeting attendee and present information that can be understood by all. There can be no community if divisiveness and me-firstism takes over.
- 10. Dick Swenson Wants line item budget because saw granite curbs and concrete sidewalks, undermanning in fire stations and library cut-backs. BOS priorities are different from Town Meeting's. Must go back to line item budget because not happy with priorities.
- 11. John Benson made lengthy attack on School Committee for lack of cuts in Central Office. **NOTE:Loudestandmostsustainedapplauseforanyspeaker.**
- 12. Dennis Ahearn Opposed to bottom line budget, it only works if it is done fairly, not served well this year. Attacked Coordinating Committee as a shadow government of Town. Early AM meetings not in spirit of Open Meeting Laws. Town ill served by bottom line budget.
 - 13. Gary Pavak asked about tax relief programs.
- 14. Dorothy Campbell Asked about Planning department cut of a currently unfilled position. Asked how we got away from line item budget, and how can we force the BOS and School Committee to get back to it. Was under the impression that the school budget used to be line item budget at discretion of School Committee. The only way to get line item budget for schools was to vote in SC members who support it. NOTE: Bill Ryan responded that the schools had always presented about online budgets ince he came in 1975.

BUDGET VOTE: All budgets passed overwhelming with identical level of voice votes in opposition.

To keep the issue of Line Item Budget in perspective, it was only addressed by 6 people. They are:

Bob Evans

Charlie Kadlec

Bert Schaeffer

Dick Swenson

Dennis Ahearn

Dorothy Campbell

With the exception of Bert Schaeffer, these individuals are the annual complainers about the Selectmen, the Town, the schools and government in general. Nothing new! The support indicated by the audience was a reaction to attacks on government in general (very popular these days) and also the belief that line item budgets would also apply to the schools. Several people have told me this.

I think we need to respond to these concerns in a constructive way. I would suggest that we continue the dialogue that we have successfully begun with the citizens (beginning with the override issue) and focus each session, as separate meetings, on one issue at a time for feedback. Let's begin with a dialogue on the line item budget. Let's do it soon, while it is still fresh on everyone's mind.

Let's call in these people, the Finance Committee, and the general public and ask them for specific suggestions on what line items they want to see. Let's prepare a model for them and compare it as we go through the year to document all the occasions where we would be hampered to the detriment of the community. I had an entire presentation prepared on line item vs. bottom line which I would like to give.

I do not believe that 99% of the people at Town Meeting know what a line item budget is and I don't believe they would support one if they could see the disadvantages of having one. They particularly would not want one if it meant adding approximately \$235,000 to the budget which is what we need for reserve fund and contingency funds in each major line. I think we should be prepared to present the two options to town meeting next year, with the major dollar difference.

Other subject for Dialogue Meetings could be: setting priorities, information, budget preparations, alternate methods of funding, measuring how we are doing. We need to get feedback from the citizens on how we are doing in all these areas. That is the key to any future support.

I view this as an opportunity to better demonstrate our leadership which we all know we have shown. I hope you agree. The dialogue should begin with us.

cc Town Manager

PALMER & DODGE

One Beacon Street

One Beacon Street

Boston, Massachusetts 02108

Acheson H. Callaghan, Esq. (617) 573-0178

Telephone: (617) 573-0100 Facsimile: (617) 227-4420

April 15, 1993

Mr. Garry Rhodes Building Commissioner 472 Main Street Acton, MA 01720

Dear Garry:

(Confidential & Privileged)

On balance, I think your decision to warn homeowners who may have problems with their fireplaces similar to the problem at 5 Wheeler Lane is the most reasonable course of action, although you must recognize that people sometimes irrationally blame the bearer of bad news. I have revised your draft letter somewhat and enclose a copy of the revision. The major change is that you should simply describe the problem without imputing blame for it. I have, therefore, eliminated the sentence about an "improperly constructed fireplace" and you should not use that or similar language in dealing with homeowners you contact or who contact you. I have left a blank in the draft out of ignorance of how to describe the problem in a way that is simple and understandable, and rely on you to provide that. I have added the last sentence as a warning that you are not guaranteeing that your inspection will conclusively answer the question whether a problem exists, and you should be careful not to do so either.

Very truly yours,

Acheson H. Callaghan

AHC/dcb Enclosure

cc:

Don Johnson

LEGAL NOTICE:

Certificate of Appropriateness

TOWN OF ACTON

HISTORIC DISTRICT COMMISSION

PUBLIC HEARING

NOTICE is hereby given that the PUBLIC HEARING on an APPLICATION by

JEANNETTE VAN HEERDEN for a CERTIFICATE OF APPROPRIATENESS for a rear

addition to the house at 62 River Street/South Acton Historic District,

originally scheduled for Monday, April 26, 1993 at 8:30 p.m., has been

postponed to Monday, May 3, 1993 at 8:30 p.m. in Room 204, ACTON TOWN HALL,

472 MAIN STREET, ACTON, MA.

CC: Bos





TOWN OF ACTON HISTORIC DISTRICT COMMISSION 472 Main Street Acton. MA 01720

APR 3 0 15.

C.C. D.P.J.

April 27, 1993

Robert Wolfson, Resident Engineer Massachusetts Highway Department, District 3 136 Main Street Acton, MA 01720

Dear Mr. Wolfson:

F,Y.I. D.a. 4-30-93

The Acton Historic District Commission has noted that work has started on the permanent traffic signal and intersection upgrade at Route III and Central Street in West Acton. As you know, that area is now part of one of Acton's three Chapter 40-C Historic Districts, the West Acton Historic District, which went into effect on June 22, 1992. David Abbt has informed me that the project plans were finalized prior to that date, in April of 1992.

Although we realize that the design was approved before the district went into effect, we would still appreciate it if you might inform us of any above-grade changes that are proposed as the work gets underway. We are particularly concerned that the number and size of signs should not be increased beyond what is presently there. I can be reached at 263-2227 (25 Martin Street).

I have enclosed a copy of our notification to the Massachusetts Historical Commission of the project work, and I trust you will be hearing from them soon, as well.

Sincerely yours,

Anne Forbes, Chair

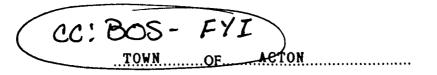
Acton Historic District Commission

cc: David Abbt, Acton Town Engineer

Allen Johnson, MHC

APR 3 () 1993

ACTON ENGINEERING DEPT.



SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

No Dep't	reasurer		30 ₁₉ 93
FROM WHOM	SOURCE	AMOUNT	TOTAL
Receipts from Town Meeting	186		4 25
	ngh)		
		- ,	4 25
No To the Officer making t		lass., 4-	30 ₁₉ 93
Received of Jour dollars for the Plus d	+ 215/ ₁₀₀	- 21-02	Dollars,
•	of this date, filed in my		for
	(TO	WN TREASURER

TO: BOARD OF SELECTMEN
FROM: NANCY TAVERNIER
SUBJECT: TESTIMONIAL FOR JOHN LORING

We have recently been notified that John Loring is suffering from terminal cancer and is undergoing chemotherapy. The Republican Committees of Acton, Concord and Carlisle are holding a testimonial for John on Thursday, May 20 at the Harvey Wheeler Center in West Concord at 7:30PM.

The event is open to the public and Karey Brown of the Acton Republican Committee has asked that we prepare and present a proclamation or certificate to John that night. I would hope that most of us could go and that one of us would be willing to make the presentation.

4001 Park Avenue Fairfield, CT 06432 April 22, 1993

Mrs. Nancy Tavernier Chairman Town of Acton Board of Selectmen 35 Mohawk Drive Acton, MA 01720

Dear Mrs. Tavernier:

The attached letter to Mr. Putnam, Chairman of Cemetery Commission is self explanatory. I am writing to you to recommend that the Board of Selectmen take immediate action to preclude the most inappropriate use of the Mount Hope cemetery as a playground, street hockey arena, and dog run.

Our family is looking forward to the Board's affirmative response to our recommendations and trust that this matter can be dealt with expeditiously. We still own property in Acton and feel our real property taxes provide adults and children with adequate playgrounds and sports fields. A cemetery is not provided for such uses. If you need to call us regarding this matter, our telephone number is (203)-374-3455

Sincerelu uours.

/John F.Prendiville

4001 Park Avenue Fairfield, CT 06432 April 22, 1993

Mr. Charles F. Putnam, Chair Person Cemetery Commission Town of Acton 7 Agawam Road Acton, MA 01720

Dear Mr. Putnam:

Thank you for listening to my comments on April 21, 1993 regarding the uses of the Mount Hope Cemetery by adults and children who apparently do not understand that a cemetery is a place for reverence and meditation.

On April 19, 1993, my wife and I visited our son's grave at Mount Hope in mid afternoon. The area in the immediate vicinity of his grave site was being used as a playground by three adults and their progeny. We said nothing to them; we feel that a cemetery is a place of reverence and meditation and not a playground for children and their parents. Bicycles and soccer balls have their places of use in other Town locations.

On April 20, 1993, we again visited the cemetery at about 3:30 P.M. and found the area being used by a woman and three children on roller blades as a street hockey arena. Her vehicle was a Volvo Wagon with an unidentifiable license plate. While we were visiting our son's grave, four other vehicles drove up, parked, and the female passengers got out. With several children, tricycles, and three dogs they proceeded to promenade from the rear of Mount Hope towards Central Street.

The Massachusetts license numbers of these four vehicles were:

 Volvo
 #7761YV

 Dodge Wagon
 #934UMC

 VW Wagon
 #826SAH

 Ford Thunderbird
 #5862

On other occasions, since my son was buried in Mount Hope in January 1992, we have observed adults and children using the cemetery in completely irreverent manners. To this end we vehemently object. A cemetery is a place

of reverence, meditation, and respect for the dead. It is not a playground! It is not a street hockey rink! It is not a dog run!

As I told you, we recommend that appropriate signs be posted to inform the Acton populace that Mount Hope is a cemetery, not a playground. In addition, we recommend that the Board Of Selectmen be informed of our recommendations and concerns, and that they take action through police and cemetery employees to stop immediately this most improper use of Acton's cemeteries as playgrounds and dog runs.

We are looking forward to your commission's response to our recommendations and trust that this matter can be dealt with expeditiously. We own property in Acton and feel our real property taxes provide for the town's playgrounds and sports fields by adults and children. If you need to call us regarding this matter, our telephone number is (203)-374-3455

Sincerely yours.

John F Prendiville

CC to N. Tavernier

4/3 arlengton St actor, MA 01720 april 29, 1993

Dear Nancy and Brask of Selectmen,

I do not ful that a second ballat election on the override issue is in the best interests for the town. It will set a precedent for all overrider which are yet to come.

When the whole rown voted in the lection last month, people were educated and made their decision through the democratic process. The pull were open for 12 lours, and those wisking to vote on the \$1.6 million dallar override did so, in good faith; expecting their vote to count as the final word.

When certain groups of people were dissatisfied with
the way the ballot went, they banded together in order
to propose a lesser amount to place in front of
Town Meeting; so that a second ballot election would
be falled, Knowing they could achieve this if they
had the support of school-age children, they lagerly
banded together - Knowing also that it would be difficult
for many desire citizens and others to attend. Will, when

the vate was taken at Town meeting it won by 145 vater. However, the total attending town meeting didn't even equal to either side of the general election vote taken last month. So, now we are faced with a dilenma. To have another election at a cost of 8000 in not what I would think is in our best interests. From now on, for every future override, people will Know if they don't like the end result of the town general election, then all you have to do, is to appear en masse at Town Meeting red ash for a lawer amount. What's to pay if we don't like the \$ 1.6 million dellar overside, then let's try for \$ 1.5 million - ad infibitein When is a vote considered a vote?! - when it agrees with the appring pide ??

> Respectfully, Caralyx & Steve Medigan

C.C. Scott Handfager attorney General / MA

actor, mais 01720 april 30, 1993

Chairman Nancy Tavernies Selectman Committee Turin of Actor, Mass

Dear Chairman Tavernin,
I am writing to you and request you make my
comments available to The other Selectman prior to
The May of vote for a second overricle ballot for

The Town of actor.

I am opposed to an override vote for The 687000 amendment approved by The April 24 Town meeting. Since I will be unable to attend The 5/4 meeting Jam stating below my reasons for opposing The second override ballot.

(1) The town meeting vote of about 1500 people increased The amount of The budget which was established by The earlies ballot of over 4000 residents (2) The amendment at Town Meeting was not considered for ballot until late in The evening on april 26 after many interested people had departed because of the lateness of the hour.
(3) The "O" budget as advertised was for 28,300,000 as a "base bones - bottoms up budget". Having worked for many years in finance at two major Corporations I am aware That a bottoms-up budget contains contingencies at each livel. This usually went in at least a 5% overstatement of the

Chairman Maney Tavernies page ~

Total budget. These contingenies are usually agrent each gear so that The next years budget will not be cut for each department.

I believe with The correct financial seview These contingenies or surplus funds can be found and redirected to higher priorities.

(4) Both The delectment and Finance Committee were

reported in The news as agreeing to twork within The "B" budget if That was The amount approved by the town votas at the initial overrule election. If the Town lealers now allow a second override it could seriously impair The Trust we as voters could put in The verbal commitments made by the felicitman.

I Therefore request you vote not to allow an override vote to be feld for The amendment of 687000.

Very truly yours Lintly war

C.C. Letterto Editor

April 30, 1993

Open Letter to the Board of Selectmen Acton Town Hall Acton, MA 01720

Ladies and Gentlemen:

In re: A Decision to Support the Override on a Special Election Ballot

The Beacon of April 29, 1993 quotes Chairman Nancy Tavernier as stating: "It's the voter's right" (at Town Meeting to amend the budget that was voted by the town in the ballot election of March 30, 1993).

As the Board is well aware, a total of 4,751 valid ballots were cast on March 30th when the "A" budget was rejected by a plurality of 113 votes, thus requiring the Town to accept the financial limitation imposed by the well advertised "B" budget.

At Town Meeting on April 26, 1993, the amendment to Article 8 which would add \$687,000 to the earlier well advertised "B" budget was passed by 810 to 665 votes.

Since press reports indicate that the Board of Selectmen can decide whether or not to call for a Special Election ballot (estimated cost of the election \$8,000), the purpose of this letter is to raise question as to the legality of the proposed Special Election and the incurring of such an unwarranted expense. It should be sufficient enough for the Board to weigh the validity of the 4,751 votes balloted on March 30 against the small total vote of 1,475 counted at April 26 Town Meeting.

It seems very clear that the best interests of the Town of Acton would not be best served if the votes of so many citizens in a ballot election are to be countermanded by a vocal minority of 810 citizens, no matter how much political heat they may generate collectively.

The town can ill afford further lawsuits that could result should a Special Election be called as now seems likely at this writing, or the additional expense of such an election.

Respectfully yours,

The Beacen', acton, MA
The Beston Sunday Globe, Northwest Section

J. G. Latremere Leton 144 Parker St, Leton Herry MI. Kelsef 67 Foreemen Rd, actor

Linda A. Onuska, MSW, LICSW, BCD 161 Split Rock, Nagog Woods Acton, MA 01718 (508) 263-5190

May 3, 1993

William Mullin Board of Selectmem Acton Town Hall Acton, MA 01720

Dear Bill,

In appreciation of your busy schedule and also that you may also be inundated with telephone calls on this matter it seems best to contact you by writing my first such communication on town matters. I remember the concern you expressed about local fiscal issues when you campaigned for selectman which I expect is a pretty thankless task these days. I just wanted to express my distress regarding the nullifying of the override vote that appears to be coming to pass with the selectmen apparent sentiment to support another election.

It was heartening when it appeared that the Board of Selectmen were ready to bite the bullet and implement the B budget and it is disillusioning to see that about to be undone at the added cost of another election on top of the rescheduled town meeting. Doesn't common sense dictate that the first election with the flexibility of its hours and accessibility was a more reasonable process than the town meeting format particularly to those older and/or with less duration for such events. (We saw what happened with one senior citizen who ventured out that evening). A second election is not the answer to a process gone awry.

Please know that there is support out there for you and the other selectmen to go with the results of the first election and make the difficult financial decisions that these times call for.

Sincerely,

Linda A. Onuska

May 3, 1993

Board of Selectmen Town of Acton Town Hall Acton, MA 01720

Dear Board Members:

I urge you to <u>not</u> schedule a second override vote, for the following reasons:

- 1. At the override vote on March 30, 4,751 Acton voters expressed an opinion on the override. By contrast, only 1,475 voters participated in the vote to amend Warrant Article 10, less than 1/3 of the original override vote. In addition, the vote to amend Article 10 occurred after 11 p.m., by which time many people had already left the meeting. It would be grossly unfair to the larger number of voters who participated in the override vote to have the results of that vote voided by scheduling a second override vote based on the smaller number of voters at the Town Meeting.
- 2. During the discussion of Warrant Article 17 at Town Meeting (West Acton Citizens' Library), Mr. Hunter stated that the Board of Selectmen is not in favor of special interest groups using Town Meeting to further their budgetary causes. Yet that is precisely what Mr. McHarg and those who voted to amend Article 10 are, a special interest group. The Selectmen had publicly committed themselves to the B budget prior to Town Meeting. If you now vote to hold a second override election, you will in fact encourage special interest groups to use the floor at Town Meetings to push for special causes.

Sincerely yours,

Paul H. Schottler

Fiscal Year 1994 "B" Budget Reductions Recommendations

Cut		Reduction	Add Ins.	Linemploy	Total Net	Total Cumulative
Priority	. Item	Amount	Reduction	· •		
18	Eliminate Funding for the Creation of New Sidewalks	\$15,000	•	***************************************	\$15,000	\$252,115
19	Eliminate Funding for Computer Aided Design System Upgrade	\$15,000			\$15,000	\$267,115
20	Eliminate 22% of the Funding for Municipal Property Dept. Overtime	\$1,000			\$1,000	\$268,115
21	Eliminate 29% of the Funding for Building and Ground Maintenance	\$4,000			\$4,000	\$272,115
22	Eliminate an Additional 11% of Highway Paving Funding(Total Reduction 22%)	nate an Additional 11% of Highway Paving Funding(Total Reduction 22%) \$10,000 \$10,000				\$282,115
23	Eliminate the Funding for Computer Study	\$50,000	\$50,000			\$332,115
24	Eliminate Funding for Additional Traffic Signal	\$30,000		\$30,000		
25	Eliminate Funding for the Replacement of the Highway Superintenent's Car (1986)	\$15,000			\$377,115	
26	Eliminate Funding for the Replacement of the Engineering Van (1979)	\$18,000	\$18,000			\$395,115
27	Reduce Memorial Library Staffing by 1 FTE	\$29,477	\$29,477			\$424,592
28	Reduce Planning Department Staffing by 1 FTE	\$28,000	\$7,895 \$35,895		\$460,487	
29	Reduce Building Department Staffing by .35 FTE	\$13,900	\$2,763		\$16,663	\$477,150
30	Reduce Highway Department Staffing by 2 FTE's	\$51,157	\$15,790	\$18,720	\$48,227	\$525,377
31	Reduce Fire Department Staffing by 8 FTE's (Close 1 Station)	\$250,400	\$63,160	\$74,880	\$238,680	\$764,057
32	Reduce Police Department Staffing by 4 FTE's (Reduce Patrol by 1 Officer Per Shift, plus 1 Additional Officer)	<u>\$129,848</u>	<u>\$31,580</u>	<u>\$37,440</u>	<u>\$123,988</u>	\$888,045
Т	otal .	\$904,397	\$124,688	\$141,040	\$888,045	

Fiscal Year 1994 "B" Budget Reductions Recommendations

Cut Priority	ltem	Reduction Amount	Add Ins. Reduction	Unemploy.	Total Net Reduction	Total Cumulative Reductions
1	Funding of \$16,323 of Memorial Library Books from other Revenue	\$16,323			\$16,323	\$16,323
2	Reduction of Reserve Fund \$2,000 \$2,000		\$18,323			
3	Reduce Cemetery Staffing by 18% or obtain additional Trust Fund Contribution \$38,500 \$38,500		\$38,500	\$56,823		
4	Eliminate \$500. of Magic Funding \$500 \$500				\$57,323	
5	Eliminate the 4-wheel drive feature for the Fire Command Vehicle \$10,000 \$10,000					\$67,323
6	Eliminate Landfill Closure Study Funding \$10,000 \$10,000					\$77,323
7	Eliminate Master Plan Intersection Improvement Funding	\$10,000			\$10,000	\$87,323
8	Eliminate Memorial Library Phone System Upgrade	\$10,000			\$10,000	\$97,323
9	Eliminate Funding to Study and Create an Impact Fee Bylaw	\$10,000			\$10,000	\$107,323
10	Eliminate 50% of the Funding for Contract Tree Work	\$11,000			\$11,000	\$118,323
11	Eliminate Funding for Reclamation of Ice House Pond	\$30,000			\$30,000	\$148,323
12	Eliminate 11% of the Highway Paving Funding	\$10,000			\$10,000	\$158,323
13	Eliminate Funding for Phase 2 Improvement at the Commuter Lot	\$20,000			\$20,000	\$178,323
14	Eliminate Funding to Replace the 1979 Sign Truck	\$18,000			\$18,000	\$196,323
15	Eliminate Funding for West Acton Library	\$20,792	\$3,500	\$10,000	\$14,292	\$210,615
16	Eliminate 34.7% of the Funding for COA Newsletter	\$1,500			\$1,500	\$212,115
17	Eliminate 26.8% of the Funding for Highway Overtime	\$25,000			\$25,000	\$237,115

TOWN OF ACTON 472 Main Street Acton, Massachusetts 01720 Telephone (508) 264-9612 Fax (508) 264-9630

Nancy E. Tavernier Chairman

> Sarah DeMaster, Editor Beacon 20 Main Street Acton, MA 01720

Dear Editor:

The Acton Board of Selectmen would like to thank the many people who helped to make the April 26 and 27 Town Meetings so successful. Many of these people volunteered their time to insure the smooth operation of this important community event.

We would like to recognize the following: The Moderator, The Town Clerk, the Town Manager and his staff, the tellers, the election workers, the League of Women Voters, Cablevision, the AV Department, the School Department, town and school employees, members of Town Boards and Committees, the media, and hundreds of dedicated voters.

We encourage you all to stay involved in your local government by volunteering for service on one of the many town boards, by observing the boards, or by making your views known to any of the elected or appointed government officials.

Sincerely,

Nancy E/ Tavernier

Chairman

Post-It™ brand fax transmittal n	nemo 7671 # of pages >
ToSava DeMaster	From Town May,
Co.	Town of Acton
Dept. Editor	Phone #
Fax# 264-9396	Fax #

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: Feb. 2, 1993

TO: Nancy Tavernier

FROM: Don P. Johnson, Town Manager

SUBJECT: Prioritized Additional Personnel

You have asked that I prioritize the list of additional personnel that were requested by various departments in their FY94 budget submissions. I offer the following, in the order that I would recommend their implementation:

[NOTE: SENIOR CENTER MAINT./CUSTODIAL IS ALREADY IN.]

1.	Engineering Assistant II	\$29,607	
2.	Seasonal Grounds Keeper	7,820	
3.	Heavy Equipment Operator	23,216	
4.	Various Library Personnel	60,447	
5.	Engineering Aide	7,232	

Nursing Service Custodial [Not Recommended]

cc: Board of Selectmen

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: Feb. 2, 1993

TO: Nancy Tavernier

FROM: Don P. Johnson, Town Manager

SUBJECT: FY94 Capital

You have asked that I provide a prioritized list of additional Capital items that might replace any removed from the Manager's recommended budget. I would suggest adding in the following order:

1.	Assessors'	Software	Update	\$	7,000
2.	Assessors'	Revaluati	on Update	5	50,000

3. Replace 1986 Town Vehicles (Partial) 20,000

4. Upgrade Building Fire Alarms 3,000

5. Replace 1984 Jacobson Turf-Cat 45,000

cc: Board of Selectmen

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: Feb. 2, 1993

60,000

TO: Dore' Hunter

FROM: Don P. Johnson, Town Manager

SUBJECT: FY94 Additional prioritized Cuts

4. Eliminate Personnel Director

You have asked that I provide a list of additional prioritized cuts for consideration by the Board. If additional cuts are required I would recommend the following, in order:

1.	Eliminate	Mem. Library Pointing	\$20,000
2.	Eliminate	Culvert Replacements	20,000
3.	Eliminate	1 Police Youth Officer	30,000

cc: Board of Selectmen

MAY 7, 1993

5/11

TO:

Board of Selectmen

FROM:

DORE' F. HUNTER, Chairman

SUBJECT: SELECTMEN'S REPORT

AGENDA

ROOM 204

7:30 P.M.

May 11, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:31 BOSTON EDISON & NEW ENGLAND TELEPHONE Joint Pole Location request for Main Street at Woodbury Lane
- 7:32 BOSTON EDISON Request for Conduit at Strawberry Hill Road in area of Pope Road.
- 3. 7:45 SITE PLAN SPECIAL PERMIT #3/16/93-338 (Tavernier) Mobil Oil, 204 Main Street Enclosed please find staff comments for Board action.
- 4. 8:15 SITE PLAN SPECIAL PERMIT #4/6/93-339 (Fanton) Acton Medical Investor- Suburban Manor 1 Great Road Enclosed please find staff comments for Board action.

III. SELECTMEN'S BUSINESS

- 5. B+ BUDGET DISCUSSION Enclosed please find correspondence from the Town Manager.
- 6. REQUEST TO WAIVE FEE Enclosed please find a request from the Acton Women's Club to waive the \$40.00 Periodic Inspection Fee for board action.

- 7. Special Employee Status Enclosed please find a request for formal Board approval of Special Employee Status exemption for Bruce Stamski. Bruce is on the Recreation Commission and has requested exemption under Section 20 for his unpaid special position in order to perform design work on the Pope Road Sidewalk project. Also enclosed is the Disclosure statement filed with the Town Clerk's Office.
- 8. CABLE GRANT Enclosed please find an invitation to the National Cable Television Library Grant ceremonies on May 19, 1193 at 7:00 at the Town Hall. They have asked for a speaker if the Board so chooses.
- 9. AUDUBON HILL Enclosed please find correspondence regarding Audubon Hill for board review and discussion.

IV. CONSENT AGENDA

- 10. Accept Minutes April 6, 12, 26, 27, 1993- Enclosed please find Minutes for Board approval.
- V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS - Marty Meehen, May 8, 1993 at 10:30 (with BOS Members-11:00 Meeting begins) - Town Hall - Would like to meet with Board members prior to his "Tell it to your Congressman" if anyone is available.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

MAY 25, 1993 - Planning Board - Discussion Farm Hill Class II - Bruchi Motor Works

JUNE 8
JUNE 22

5/11/93

BOSTON EDISON AND NEW ENGLAND TELEPHONE JOINT IDENTICAL LOCATIONS FOR INSTALLING POLES NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws. (Ter. Ed.), you are hereby notified that a public hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 27th day of April at 7:32 o'clock P.M., upon the petition of Boston Edison Company and New England Telephone Company for joint or identical locations for the erection or construction of poles to be owned and used in common by them and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the following public ways of said Town:

Main Street - Northerly side approximately 235 feet east of Woodbury Lane.

(one) pole
(one) existing pole to be removed

BOARD OF SELECTMEN
BY

NOTE: THIS HAS BEEN RESCHEDULED TO MAY 11, AT 7:31 P.M.

Form 518C 648ACS

INTER-DEPARTMENTAL COMMUNICATION

DATE: 3/30/93

TO:

Board of Selectmen

FROM:

Engineering Department

SUBJECT: Boston Edison/New England Telephone Petition

We have reviewed the petition for the location referenced above and we have the following comments.

This petition is for the relocation of an existing pole on the Town Common between the Memorial Library and Town Hall. The relocation of this pole will facilitate the construction of a new sidewalk and several on-street parking spaces in front of the Memorial Library.

This is a Town sponsored petition and we recommend that it be granted. If you have any questions or need additional information, contact us at 264-9628.

Engineering Assistant II

DPR/dmi

BOSTON EDISON COMPANY

15 Blandin Avenue Framingham, MA 01701

Board of Selectmen Town Hall Acton, MA 01720 March 22, 1993

RE:

P31/172 Main Street

Acton, MA

Work Order #657875

Dear Members of the Board:

The enclosed petition and plan is being presented by the Boston Edison Company and New England Telephone and Telegraph Company for the purpose of obtaining a Grant of Location relocating pole 31/172 Main Street, Acton.

This work is necessary at the request of the Town of Acton in order to provide clearance for new sidewalks being constructed.

Your prompt attention to this matter would be greatly appreciated. If you need any further assistance, please contact Christine Cosby at (508) 370-4812.

DJD/rbb Enclosures Very truly yours,

Denis Deagle - Supervisor Rights, Permits & Survey

Western District

Boston Edison Conduit and Manholes Installation



NOTICE TO ABUTTERS

In conformity with the requirements of Section 22 of Chapter 166 of the General Laws.

(Ter. Ed.), you are hereby notified that a public

hearing will be held at the office of the Selectmen of the Town of Acton Massachusetts, on the 27th day of April, 1993, at 7:32 P.M., o'clock, upon the petition of Boston Edison Company for permission to construct, and a location for, a line of conduits and manholes, with the necessary wires and cables therein, for the transmission of electricity, under the following public ways of said Town:

Strawberry Hill Road - approximately 176 feet northwest of Pope Road

A distance of about 12 feet - conduit.

BOARD OF SELECTMEN

NOTE: THIS HAS BEEN RESCHEDULED TO MAY 11, AT 7:32 P.M.

Form 518D 648ACS

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 4/6/93

TO:

Board of Selectmen

FROM:

Engineering Department

SUBJECT: Boston Edison Petition

Strawberry Hill Road

This petition is for the installation of a conduit to provide underground electrical service to a newly constructed house at 118 Strawberry Hill Road.

Our only concern is that the stone wall along Strawberry Hill Road must be restored to its existing condition after the conduit is installed. Other than this, we do not foresee any problems with this installation.

Please contact us if you have any questions or need additional information.

Engineering Assistant II

DPR/dmi

BOSTON EDISON COMPANY

15 Blandin Avenue Framingham, MA 01701

March 26, 1993

Board of Selectmen Town Hall Acton, MA 01720

RE:

Lot 1 Strawberry Hill Road

Acton, MA

Work Order #658853

Dear Members of the Board:

The enclosed petition and plan is being presented by the Boston Edison Company for the purpose of obtaining a Grant of Location install approximately 12 feet of conduit at pole 53/42 Strawberry Hill Road, Acton.

This work is necessary in order to provide electric service to a new home at Lot 1 Strawberry Hill Road, Acton.

Your prompt attention to this matter would be greatly appreciated. If you need any further assistance, please contact Christine Cosby at (508) 370-4812.

DJD/rbb Enclosures

Very truly yours,

Denis Deagle - Supervisor Rights, Permits & Survey

Western District



TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

DATE: May 5, 1993

TO:

Board of Selectmen

FROM:

Garry A. Rhodes, Building Commissioner

SUBJECT:

Site Plan Special Permit #4/6/93-339 - Special Use Permit

Suburban Manor

The applicant is proposing to construct a 6,614 square foot administration addition, as well as a 10,846 square foot 41-bed nursing addition to the existing nursing home, and a 2,000 square foot treatment plant. The applicant has applied for and gotten the following permits:

- 1. a Variance from the Board of Appeals to allow the treatment plant to be located within the sideline setback. The Variance also allows proposed parking and the access drive to be located within the sideline setback.
- 2. A Special Permit from the Board of Appeals to allow the existing nonconforming nursing facility to be extended within the existing sideline setback.
- 3. A Special Permit for the treatment plant from the Planning Board.

The following permits have not been obtained as of this date:

- DEP approval for the treatment plant;
- 2. once DEP approval is obtained, the local Board of Health will be dealing with the treatment plant;
- 3. Conservation approval.

The site is surrounded by several residences, therefore landscaping will be the best way to mitigate the impact of the lights and sounds of the additions, treatment plant, and new parking on these residences. It is extremely difficult, if not impossible, to access whether the plan supplied will accomplish this. After consultation with the Municipal Property Director, it has been decided that it would be best to provide for approval of the landscaping after the project is built. The areas of concern are:

- 1. south of the nursing bed addition;
- 2. east of the treatment building and leaching beds;
- 3. west of the new 23 car parking lot;
- 4. north of the new 8 car parking lot.

The zoning bylaw requires the construction of a sidewalk along Great Road. It is staff's proposal that instead of constructing the sidewalk between the

entrance driveway and Concord town lines, that the sidewalk be constructed as much as possible within the layout of Great Road and connected from the applicant's driveway to the driveway of 9 Great Road.

There is concern that the emergency vehicle access to Bayberry Road may not be adequate given the increase in residents. It has been suggested that "grass pavers" be installed along with a locking gate between Bayberry and the site. The applicant may wish to consider other options but they should meet the approval of the fire department.

It has been suggested that a back-up emergency water line be run from the Concord water supply to the site. This would add a level of fire protection. It is our recommendation that the applicant should pursue this option.

The roof drain line should be located either within the roof framing or adjacent to the nursing bed addition so as to limit the adverse impact that the proposed location will have on the remaining existing landscaping in this area.

An area that has created differing Staff opinions is compliance with "Ground Water Treatment and Renovation of Runoff" under section 4.3.6.3 of the Zoning Bylaw. Under the proposed plan, there is an increase of 6,123 square feet of new paving and 19,460 square feet of new roof area. The original proposal shows that the proposed retention pond will renovate and treat approximately 12,000 square feet of paving. The applicant has shown, on a revised site plan, the proposed retention basins for roof runoff. It is the applicant's contention that the roof runoff is not subject to the pollution loading of the paved areas and does not require renovation prior to discharge. The Board has the authority to accept the applicant's argument that the proposed plan shows an alternate method of runoff treatment and renovation if the Board determines that the intent of the Bylaw is met.

I am attaching comments of Staff and others for the Board's review.

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO:

Don P. Johnson, Town Manager

DATE: April 22, 1993

FROM:

Roland Bartl, Town Planner 4.15.

SUBJECT: Site Plan # 4/6/93-339, Suburban Manor

The applicant still has a number of things to do to comply with the requirements of the Planning Board's Groundwater Protection District Special Permit. The various conditions are tied to the issuance of a building permit. I anticipate that compliance will be sought by that time.

Also, it must be understood that the Ground Water Protection District Special Permit issued by the Planning Board concerns itself only with the treatment plant aspect of the project. The granting of this permit does not mean that other aspects of the site plan are in compliance with the groundwater protection requirements as set forth in section 4.3 of the zoning bylaw. Given this fact, the Board of Selectmen under section 10.4.5.6 of the bylaw must still find that the site plan (with the exception of the treatment facility) "will not derogate from the intent of this Bylaw to limit the adverse effects of the USE and development of land on the surface and groundwater resources of the Town of Acton". Please refer to sections 3.5 and 4.3 of the Groundwater Protection District Special Permit which was made part of the site plan application.

Drainage:

The zoning bylaw in Section 4.3.6.3 requires that all water from impervious covers must be directed through gas traps and then into a retention pond(s) for further treatment. To achieve best results, the retention pond(s) must be vegetated, exposed to sunlight, and clay lined to slow down the infiltration rate. They must be sized to hold the first inch of every storm event for a minimum average duration of 3 days. A shut-off valve must be installed in the system to deal with potential spills. A special permit granting authority may approve alternate methods of runoff treatment if they achieve the same results.

Impervious cover as referred to in section 4.3.6.3 is defined in section 4.3.3.8 as all substantially water tight materials covering the ground, including 1.) pavement areas which generate runoff from parking lots, driveways and loading areas (sidewalks and walkways are of lesser concern due to their relatively small area and because runoff from those surfaces is not typically captured and concentrated), and 2.) buildings which generate roof runoff.

The above requirements can be met rather easily in the case of new development on previously vacant land. In cases of expansions as in the Suburban Manor proposal. things become somewhat more difficult because existing nonconforming drainage systems for existing pavement areas and buildings could be regarded as grandfathered under zoning. In the case of the Suburban Manor plans, old pavement is partially

removed and new pavement areas and buildings are added. The result will be a patchwork of old and new impervious covers which cannot all be separated in any practical way for different drainage treatment.

While the conservative regulatory fall-back position is to require compliance with the Bylaw for all newly installed impervious cover, a more pragmatic approach is in order. Consistent with the long term policy on site plans to bring as much of a site as possible in compliance with existing regulations, it will be entirely appropriate to upgrade as much as possible to reach conformance with the bylaw requirements for drainage and treatment of runoff. Where this is not reasonably possible, for instance due to space limitations or grade problems, trade-offs could be considered. For instance, the drainage systems for existing impervious covers could be upgraded to current requirements while, in exchange, drainage systems for new impervious covers may be built at sub-standard levels, as long as at least the net increase of impervious covers is served by a drainage system that meets or exceeds the required specifications. In taking this pragmatic approach, care must be exercised to achieve maximum benefit for the protection of groundwater rather than to let oneself be guided by convenience.

All imperious surfaces contribute to water contamination but there is a difference in the degree to which they do. All impervious surfaces, parking lots and roofs alike, are subject to atmospheric contaminant deposition which becomes a problem when rain washes the contaminants to drainage outlet structures where serious concentration occurs. Roofs can be the source of additional contaminants depending on the roofing materials installed and if roof mounted equipment (i.e. air conditioning units, transmitters) is present. Parking lots, loading areas and driveways are always subjected to significant levels of automobile born contaminants and to a variable risk of contaminant spills in larger quantities.

Consequently, the following order of priority appears applicable in situations where treatment and renovation of runoff cannot be achieved for the entire site:

First: Parking lots, loading areas and heavily travelled driveways.

Second: Overflow parking (if any), little travelled driveways (if any), fire lanes (if

any), r∞fs with equipment.

Third: Roofs without equipment.

Where easy separation of these various areas into different drainage systems is not possible, required treatment and renovation of surface runoff should be extended to include less critical areas rather than to leave out areas of higher concern.

The Suburban Manor plans as presented in the site plan application show approximately 35500 square feet of new impervious cover. It also shows that about 8900 square feet of currently existing impervious cover will be removed. This leaves approximately 26600 square feet of net increase in impervious cover, which, using a pragmatic approach, is the minimum area from which runoff must be renovated and treated in accordance with the bylaw, section 4.3.6.3.

The plan now shows that runoff from something like 13500 square feet will be handled in compliance with the Bylaw. Runoff from the remaining 13100 square feet is proposed for direct infiltration or for infiltration following passage of a gas trap. Both methods do not supply a level of treatment that could be considered equivalent to that specified in the bylaw. I conclude that this design is not in compliance with the requirements of the bylaw. It should be changed as a condition of site plan approval. I have pointed out this deficiency to the applicant's site engineer on numerous occasions.

Maybe in response, the site engineer now has submitted an alternate plan sheet 10 of 11 (last revision on 4/12/93) intended to show compliance with the drainage

requirements of section 4.3.6.3 of the bylaw. This plan shows an additional area of impervious cover to be served with drainage systems in accordance with the bylaw. This additional area amounts to 17460 square feet, which is more than the 13100 square feet previously missing.

At first glance, this revised plan shows a reasonable compliance with the bylaw requirements in that it now shows treatment and renovation of runoff for an area equal or greater than the net increase in impervious cover. However given a second look, it doesn't pass the priority test explained above. Only 11 of the 67 open parking spaces are served by drainage systems that meet specifications (there are no overflow spaces). Less than half of the frequently travelled driveways and maneuvering aisles are covered, nor is the access drive to the enclosed parking spaces and the nearby the service entrance. Instead, the plan shows treatment of roof runoff. This is also important. But if choices must be made, then treatment of roof runoff should come last. I recommend that the drainage system should be redesigned to show bylaw compliance not only for the area currently captured by catch basins A and B, but also for the parking lot and driveway areas captured by catch basins G-1, G-2, E and D. Treatment of roof runoff should be maintained if possible. But, given the site constraints, treatment of roof runoff would probably have to be dropped in favor of the more critical parking and driveway areas.

If roof drainage is taken out of treatment, then no roof mounted equipment should be permitted. In addition all existing roof mounted equipment, if any, should be removed, or enclosed and covered.

Trip Generation:

Base on the ITE trip generation manual, the proposed addition does not trigger the traffic study requirement of the site plan rules. The application states this correctly.

Sidewalk:

The applicant should be asked to build a sidewalk along the property's frontage and the short distance along Rt.2A until it connects with the existing sidewalk in front of the Now & Then buildings.

Landscape Plan:

The proposed tree line behind the treatment plant building can hardly be maintained due to the installation of leaching galleys in that location. Also, additional retention ponds will be necessary to comply with the bylaw requirements (see above) and the plan should be adjusted to reflect those changes. Whether Mass. State Slope Mix is appropriate for retention ponds is questionable. Wetlands species might be more appropriate.

cc: Garry Rhodes, Building Commissioner

[RHB.IDC.93*16]

J 1993



ì.

TOWN OF CONCORD

DEPARTMENT OF PLANNING AND LAND MANAGEMENT

133 KEYES ROAD, CONCORD, MASSACHUSETTS 01742 (508) 371-6260

ALFRED J. LIMA. DIRECTOR

April 29, 1993

Mr. Garry A. Rhodes, Building Commissioner Town of Acton Building Department 472 Main Street Acton, MA 01720

Re:

Application for Site Plan Special Permit Suburban Manor Nursing Home

Dear Mr. Rhodes:

Thank you for providing Concord with a copy of the application of Suburban Manor Nursing Home. The plans appear to address the majority of concerns that Concord might have, specifically:

- (1) the limitation that hauling of earth to and from the site is restricted to the hours of 9:00 a.m. to 4:00 p.m. on weekdays will reduce potential impact on the morning and evening commute;
- (2) the provision for cleaning out catchbasin sumps and the stormwater basin following construction and annually thereafter will reduce potential negative impacts to contributing wetlands of Commers Brook, Fort Pond Brook and Warners Pond from on-site drainage;
- (3) the provision to retain a treed buffer at the Concord-Acton town line will help screen the site from the abutting land in Concord which is residentially zoned; however, it is recommended that understory shrubs be planted along the proposed tree line as shown on the Preliminary Landscape Plan prepared by Capizzi and Co., Inc. to further enhance the visual screening.

An area of concern that does not appear to have been addressed in the submittal is the potential site impacts from a failure or accident at the proposed treatment plant, specifically:

- (1) odors that may be generated;
- (2) spills of hazardous materials during deliveries or of waste solids that are required to be pumped every six months;
- (3) nitrogen loading of the groundwater resources.

While it can be acknowledged that the proposed sewage treatment plant facility is an improvement over a standard septic tank system, the proposed location of the treatment plant and effluent disposal area may be detrimental to an existing stream and wetlands in the Town of Concord. Potential impacts to these sensitive resources could be more easily determined if existing topography, the stream location, delineation of Concord's Wetlands Conservancy District and the proposed effluent disposal area location were shown on the Index Plan (Sheet 1 of 11) prepared by Acton Survey and Engineering. Such information might also be useful for other agencies which may be reviewing this proposal.

Thank you for this opportunity to review and comment on the application of Suburban Nursing Home. If you have any questions, please call me at (508) 371-6260.

Very truly yours,

Marcia ast Rasmusser

Marcia A. Rasmussen Planner

AR/gc

cc:

Alfred J. Lima, Director Dan Monahan, Coordinator, Natural Resources Commission Mike Moore, Health Officer

CARL13/#06

TOWN OF ACTON

Inter-Departmental Communication

DATE:

April 30, 1993

TO:

Don P. Johnson, Town Manager

FROM:

Fire Chief

SUBJECT:

Site Plan #4/6/93-339

Suburban Manor Nursing Home

1 Great Road

1993

After a review of the site plan for the above named project, my comments of March 12, 1993 would still be appropriate (see attached copy), with the following specific updates.

Relative to Item 1, of my previous memo, hydrant locations have been shown at the rear of the structure and are acceptable as shown. Item 3 will be addressed with the Building Commissioner at the time of actual building plan submittal to the Building Department.

Robert C. Craig

Fire Chief

Attachment

cc: G. Rhodes, Building Commissioner

TOWN OF ACTON

Inter-Departmental Communication

DATE: March 12, 1993

TO:

Garry Rhodes, Building Commissioner

FROM:

Fire Chief

SUBJECT:

Preliminary Site Plan Review--Suburban Manor Nursing Home

After a review of the above named project, I would offer the following comments:

- All additions to the existing facility must be equipped with 1. automatic sprinklers connected to the present system. sprinkler system must also be recalculated to provide assurance of adequate water supply and pressure for the proposed system Calculations for water supply to the facility extension. should also reflect an adequate water main size to accommodate a new hydrant at the front of the structure and a new hydrant to be located at the rear of the structure as directed by the Fire Chief.
- Any fire alarms required in the new addition would also have to 2. be tied into the existing fire alarm system. The existing fire alarm system must also be reevaluated relative to re-zoning to reflect structure changes.
- 3. proposed overhang at the main entrance must be of sufficient height to insure the passage underneath of emergency vehicles.
- 4. As the site has only one means of access, any changes to the existing parking configuration should include adequate turn around space for fire apparatus for normal response situations. Also, emergency access from Bayberry Lane to the front of the structure must be assured to this department in a satisfactory manner in the event of extraordinary response situations.

Robert C. Craiq

What C. Long

Fire Chief

(Michy

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 4/23/93

TO:

Don P. Johnson, Town Manager

FROM:

David F. Abbt, Engineering Administrator 7.

SUBJECT: Review of Site Plan # 4/6/93-339 Suburban Manor, 1 Great Road

The Engineering Department reviewed the preliminary version of this site plan in a memo dated 3/11/93 (copy enclosed). Our review of the "final" version of this plan covers the same issues raised in the previous memo and their resolution in this submission.

- In my opinion, the plan as submitted complies with the requirement for treatment of runoff from impervious areas (Zoning Bylaw 4.3.6.3) by treating an area equivalent to the net increase in pavement. Likewise, the similar treatment of the roof runoff is not necessary as the method proposed is allowed under 4.3.6.3 as an acceptable alternate method.
- A cursory review of the storm drainage and water balance calculations indicate they generally follow accepted standards.
- The increase in traffic volumes has been quantified and does not require a traffic study. The usual "boiler plate" conditions concerning traffic should be sufficient.
- Possible sidewalk construction on Great Road will have to be dealt with in the Selectmen's decision, as none is shown on the plan. The design of a sidewalk is complicated by a utility pole and state catchbasin in unfortunate locations. A Massachusetts Highway Department permit will also be required. The Town will have to "apply" for this permit, but the applicant's engineer can prepare the plan and permit application.
- The "large vehicle turnaround" should probably have a sign designating it as such.
- The apparent emergency vehicle access to Bayberry Road will need approval by the Fire Chief.
- A note concerning proper construction of the "gas trap" catchbasins has been added to the "hooded outlet catch basin detail" on sheet 11 of 11.
- The plan shows "universal" van accessible parking spaces. Apparently this will comply with the ADA law enacted in 1991.
- This item in my preliminary review was a gratuitous comment not actually covered in the site plan rules and regulations.

- 10. A "flush valve" has been added to the diversion box detail on sheet 11 of 11 in order to satisfy the requirement for an "emergency slide gate" in Section 4.3.6.4 of the Zoning Bylaw. This is satisfactory.
- 11. The access aisles for handicapped parking are now shown as 5 feet wide which is the current requirement.
- 12. According to the site plan rules and regulations (section 3.9.9) the catchbasins must be pre-cast with construction joints sealed with a minimum 1" butyl-rubber gastight sealant or equivalent caulking material. Sheet 11 of 11 shows a block catchbasin incorrectly as an option. In any case, most contractors use precast structures exclusively these days.
- 13. Earth removal is probably not a major factor; however, no calculations required by section 3.8 of the Site Plan Rules and Regulations have been included in the application.
- 14. The utility cut in Bayberry Road to install the new 8" water service will require a "Permit to Construct within a Public Way" from this department.
- 15. There is no flood plain zone on the site.

C.C. G.R./B.C.V



Minuteman Advisory Group on Interlocal Coordination

60 Temple Place, Boston, MA 02111 617 / 451-2770

MEETING NOTES

(For list of participants, see attached.)

March 11, 1993

Don-Plane

DRI Subcommittee

The DRI Subcommittee - John Pavan (Acton), chair, Gail Jewell (Concord); and Jeffrey Betterini (Boxborough) - met to review the proposed expansion of the Suburban Manor Nursing Home in Acton. Staff review of the project is attached hereto and included by reference. The subcommittee agreed to the following recommendations:

- Request that DEP review potential public or private wells within the impact range, especially those 0 in Concord:
- Ask Acton's Board of Selectmen to notify Concord when the public hearing is scheduled; to forward 0 the site plan application, upon receipt, to the Concord Planning Director for review and comment on potential traffic and other impacts on Concord; and to await Concord's comments before making final decisions; and
- Ask Actor to consider potential impacts on Concord of site lighting and of noise and odor from the O treatment plant.

MAGIC MEETING

Updates and Briefings

Donna Jacobs called the meeting to order. She reminded members to forward to MAPC information on "ready-to-go" projects that might be eligible for economic stimulus funding and to bring 1990-1992 town reports for MAPC's library. John Pavan presented the DRI Subcommittee's report. On MOTION it was

VOTED to approve the subcommittee's recommendations (see above).

Donna asked for volunteers for the Nominating Committee. Jeffrey, Donna, and Dick Downey agreed to serve and bring recommendations to the April meeting.

Legislative Roundtable

Donna began the roundtable discussion with introductions. Sen. Durand and Rep. Walrath were present for the "early shift," with Reps. Resor and Evans arriving later. Highlights are outlined below:

Ft. Devens Reuse Planning: Rep. Walrath and Sen. Durand reported that legislators and Devens planners have been meeting regularly to resolve, among other things, who controls the planning effort. The thrust is toward a shared approach. More regional voice is needed in the general planning and on the proposed Ft. Devens Development Corporation. Sen. Durand urged MAGIC/MAPC to write to the Governor to ensure a role.

FT. Deven: T. Force EV.1.

- Surplussing of Ft. Devens Annex:: This facility need not appear on the BRAC list to be surplussed. Rep. Walrath cautioned that if the Annex is surplussed too soon, the clean up may be abbreviated; on the other hand, if thorough clean-up precedes surplussing, the land values may be bid out of reach.
- o Second airport: Recent MAC findings indicate that a second airport may not be necessary in light of demand forecasts and increased use of telecommunications and rail. There is growing momentum behind rail (traditional, high-speed, magley, and north-south rail link). Rep. Evans urged MAGIC to support this trend in order to obviate the need for a second airport.
- o Land Bank Bill: Rep. Resor opined that this probably doesn't have a chance now that counties are using this source. There is a need to look for another source of funds, e.g., the open space and housing bond bills.
- Housing: Opinions differed on chances of passage. Most legislators did not expect passage, but Rep. Resor stated that pressures were mounting, especially in light of recent major cuts in rental assistance and other housing programs. In response to questions about changes in EOCD's priorities, Rep. Evans reported on a positive meeting in which EOCD officials seemed committed to helping towns gain access to federal housing funds. She suggested that state senators and representatives should go together to increase chances of success. MAGIC members noted that Littleton, Stow, and Hudson have all just approved new affordable housing.
- o River Protection Bill: On behalf of MAGIC, Donna will write a letter to Senate Ways and Means in support of Sen. Durand's bill.
- o Markets for Recycling: Concord is planning a mid-May conference on regional solutions to waste disposal and recycling problems and asked if MAGIC would endorse the idea. On MOTION, it was

VOTED to encourage Concord to proceed with the conference.

- o Bay Circuit: Donna will ask Sen. Durand whether Open Space Bond funds could be used for this.
- o Regionalism: Rep. Resor reported on meetings of the committee to discuss "the middle layer," which is formulating recommendations on the future of counties and other regional models.

On MOTION, it was

VOTED to express MAGIC's gratitude to the legislators for participating in the roundtable.

Next Meeting

The next meeting is at the Maynard Municipal Building on April 1, when the agenda will be devoted to a Housing Information Exchange, with participation from housing partnerships, housing authorities, and other housing interests from MAGIC communities.



Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

Serving 101 cities and towns in metropolitan Boston

TO:

MAGIC DRI Subcommittee

FROM:

Judith Alland, MAGIC Coordinator

DATE:

March 11, 1993

SUBJECT:

Preliminary DRI Review: Acton Nursing Home Expansion (Revised)

Roland Bartl, Acton Town Planner, has submitted a DRI Notification Form to MAGIC for the proposed expansion of the Suburban Manor Nursing Home in Acton. The project triggers DRI review because it abuts Concord. The plan calls for a 41-bed expansion to an existing 122-bed facility, the addition of an administrative/dining area, relocation and addition of parking, and a new sewage treatment plant. Four permits were originally required: a Groundwater Discharge Permit from DEP; a Disposal Works Permit from the Acton Board of Health; a special permit from the Planning Board for the treatment plant; and a special permit from the Board of Selectmen for the site plan.

The Notification Form was sent to MAGIC too late for timely review in advance of the Planning Board process. That board held a public hearing on February 8, 1993, heard testimony from Concord residents (among others), and granted the permit for the sewage treatment plant.

At this writing, the town has yet to receive an application for site plan approval. Most of the information submitted to date pertains to the sewage treatment plant, with little information on traffic or other potential subregional issues. This review is based on these incomplete materials, supplemented by conversations with John Pavan of the Planning Board and Roland Bartl.

The Proposal and its Subregional Impacts

It appears that the plan is to add 20,597 square feet of net floor area in the form of the 41-bed addition, a dining/administration addition, and the treatment plant building. No ENF is required. Outlined below are the DRI criteria and "best guess" responses based on available information...

1. Does the project include an affordable housing component?

No.

How does the project affect existing open space?

The project appears to reduce existing open space by 27,516 square feet. Because this space is not really available to the public and because the post-development property will still contain 281,587 square feet of open space, the reduction does not appear to be of subregional significance.

3. What are the traffic impacts on adjacent communities?

No information is provided on traffic volumes or traffic flow. Acton requires a traffic analysis only for projects generating more than 30 trip ends per peak hour or 400 trip ends per day. Using ITE figures, Roland believes that the project will not reach this threshold. For nursing homes, ITE estimates

Marjorie A. Davis, President

Edmund P. Tarallo, Vice-President

Richard A. Easler, Secretary

Marylou Batt, Treasurer

2.6 trip ends per bed per day0.2 trip ends per bed per AM peak hour0.26 trip ends per bed per PM peak hour

For 41 beds, this equates to

107 trip ends per day 8.2 trip ends per AM peak hour 10.7 trip ends per PM peak hour

Hence, from Acton's point of view, this traffic volume does not trigger more thorough analysis and presumably is not thought to have major significance. Roland notes, however, that the new traffic when added to the existing traffic does exceed these thresholds. The 163-bed total generates

424 trip ends per day 33 trip ends per bed per AM peak hour 42 trip ends per PM peak hour

According to Roland, traffic during construction will not be unmanageable since no major excavation is anticipated, and the treatment plant is not likely to generate more than a few trips a day.

4. What impacts does the project have on the sewerage facilities of adjacent communities or of the subregional system.

The treatment plant will be constructed with leaching facilities to be located to the northeast of the nursing home in a presently wooded section of the property. Thus as a self-contained facility, this project would not appear to affect adjacent communities or the subregional system. Concerns were raised by abutters regarding impacts on their septic systems.

5. What impact does the project's waste generation have on adjacent communities?

No information available.

6. Will the proposed project affect the water supply of adjacent communities?

The site is overlain by Zone 3 (Aquifer Protection Area) and Zone 4 (Watershed Protection Area) of Acton's Groundwater Protection District. Measures are planned to comply with relevant regulations requiring that the development not reduce the amount of annual precipitation being captured and recharged and that measures be taken to treat and renovate runoff prior to discharge or infiltration. Groundwater flow is to the NE toward wetland areas adjacent to Comerford St. in Concord. Concerns were raised about the water table, which is already high: Would it rise still higher? Would it flood?

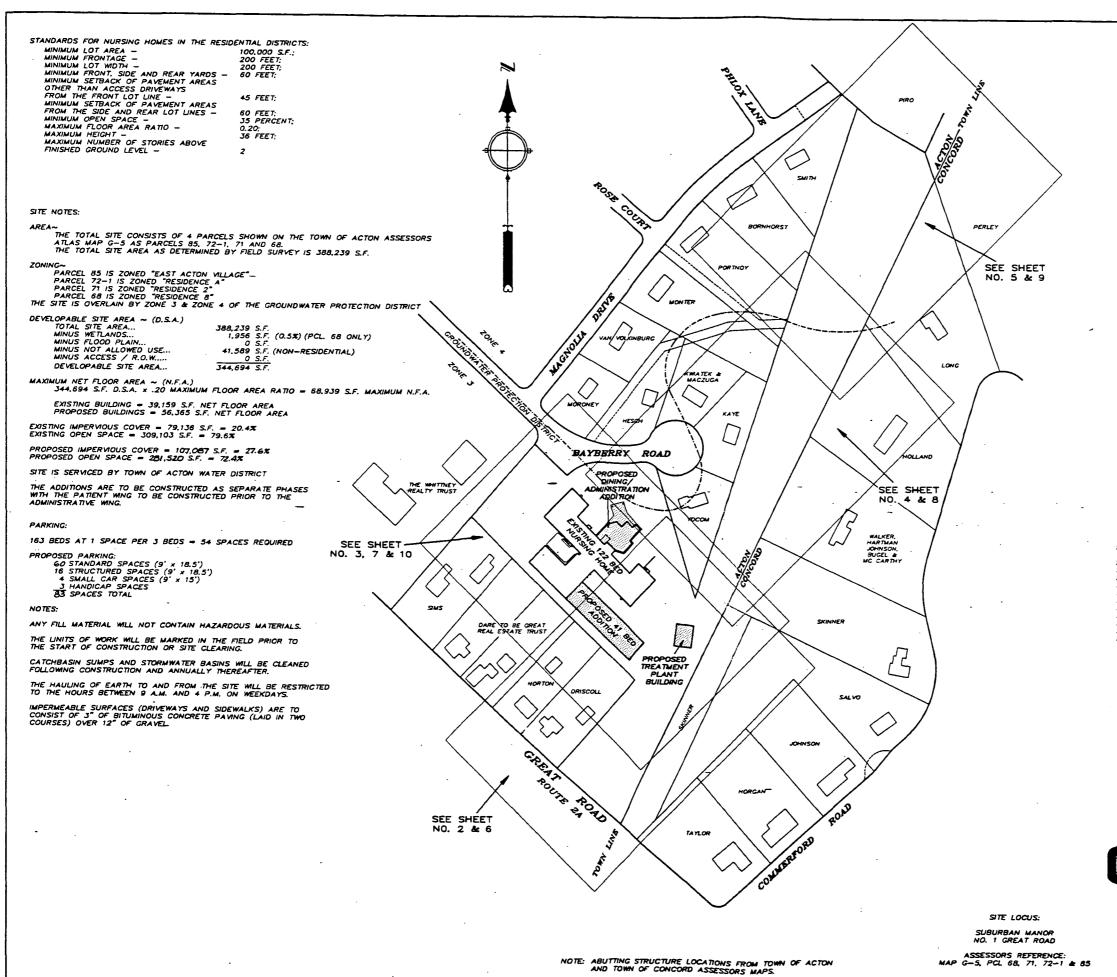
Since Concord households are served by Concord water, the expansion is not likely to have any effect.

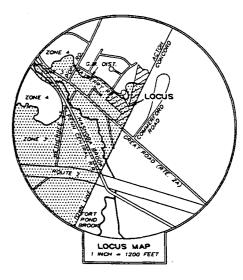
7. Does the project call for a land use which is incompatible with the land use in adjacent communities?

The project is an expansion of an existing use and hence does not affect existing land use compatibility.

Recommendations

It appears that the most significant impact from a subregional perspective is the traffic generated by the total facility, not simply that attributable to the expansion. The developer should be asked to present traffic plans showing roadways and access routes and to address access to and from Route 2A (and elsewhere, if relevant), including turning movements, visibility, and signage. Depending on the results, the developer could be asked to make appropriate improvements if needed. Concord officials should be sent plans in advance of the hearing and invited to participate in design discussions and in the hearing itself.





SHEET INDEX:

SHEET NO. 1 ~ INDEX PLAN
SHEET NO. 2 ~ EXISTING CONDITIONS PLAN
SHEET NO. 3 ~ EXISTING CONDITIONS PLAN
SHEET NO. 4 ~ EXISTING CONDITIONS PLAN
SHEET NO. 5 ~ EXISTING CONDITIONS PLAN
SHEET NO. 6 ~ SITE DEVELOPMENT PLAN
SHEET NO. 7 ~ SITE DEVELOPMENT PLAN
SHEET NO. 8 ~ SITE DEVELOPMENT PLAN
SHEET NO. 9 ~ SITE DEVELOPMENT PLAN
SHEET NO. 10 ~ POST DEVELOPMENT PLAN
SHEET NO. 10 ~ POST DEVELOPMENT PLAN
SHEET NO. 11 ~ CONSTRUCTION DETAIL SHEET

INDEX PLAN
OF LAND IN

ACTON . MASS.

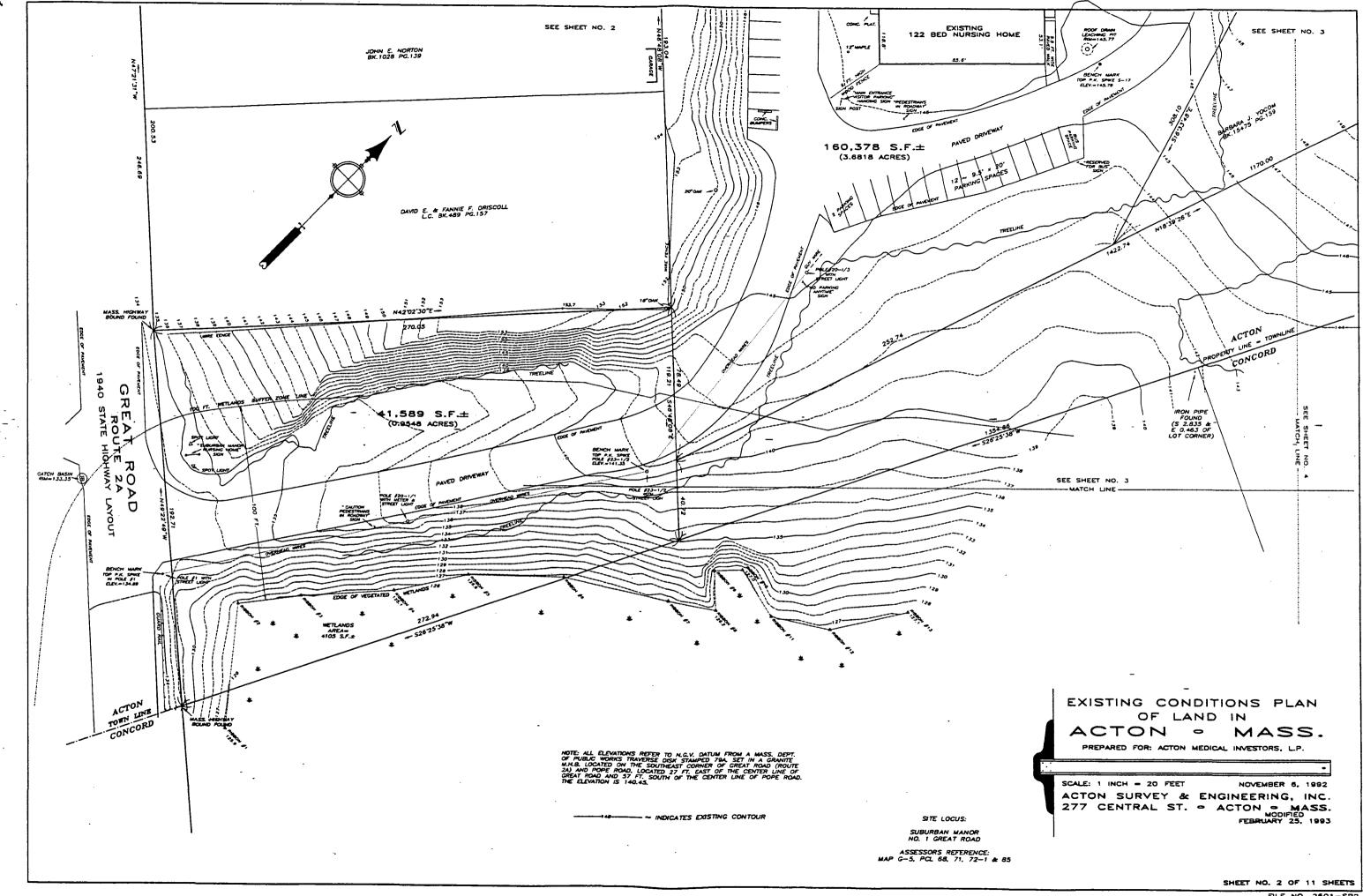
PREPARED FOR: ACTON MEDICAL INVESTORS, LP.

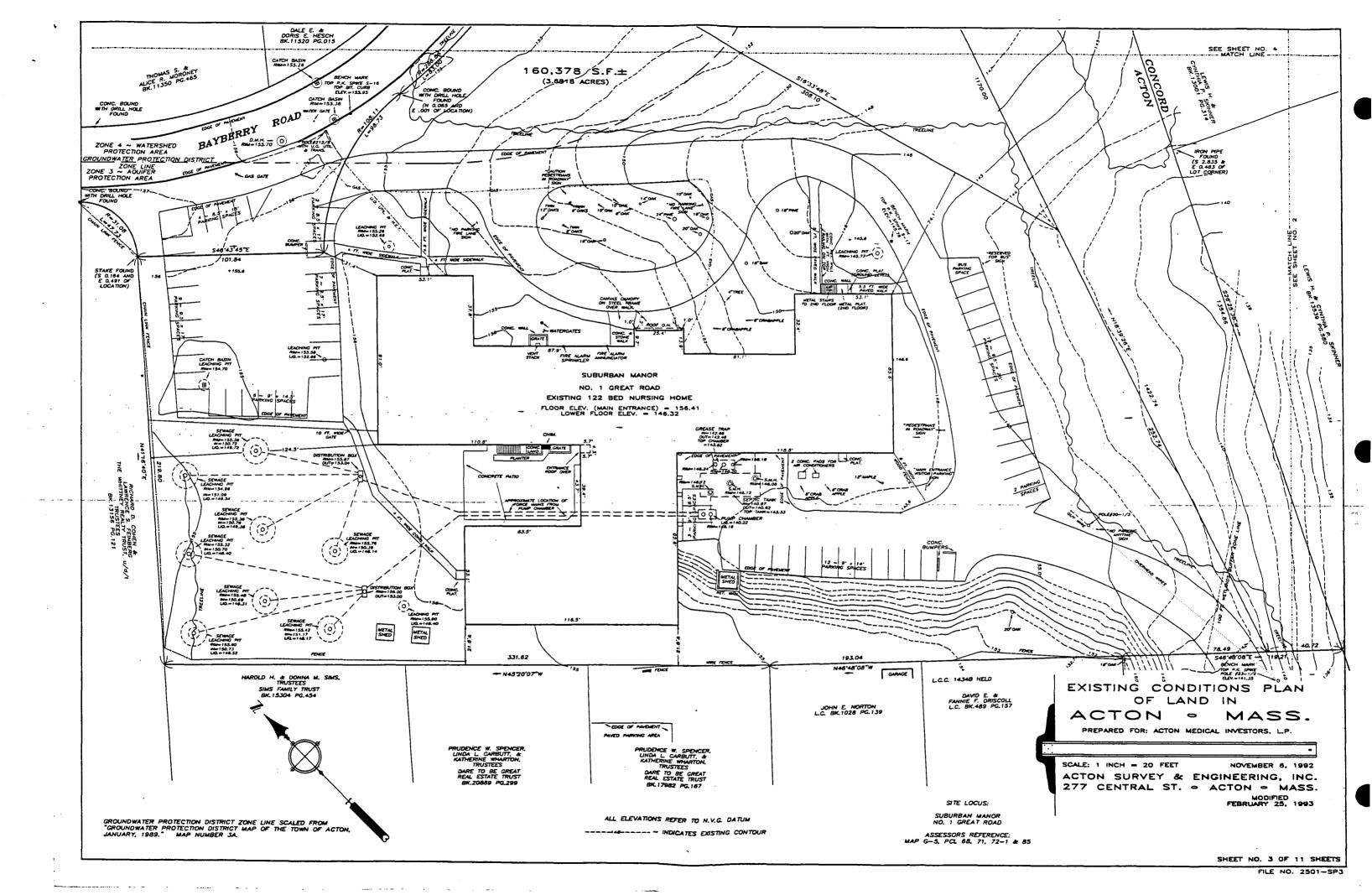
SCALE: 1 INCH = 100 FEET NOVEMBER 6, 1992
ACTON SURVEY & ENGINEERING, INC.
277 CENTRAL ST. - ACTON - MASS.

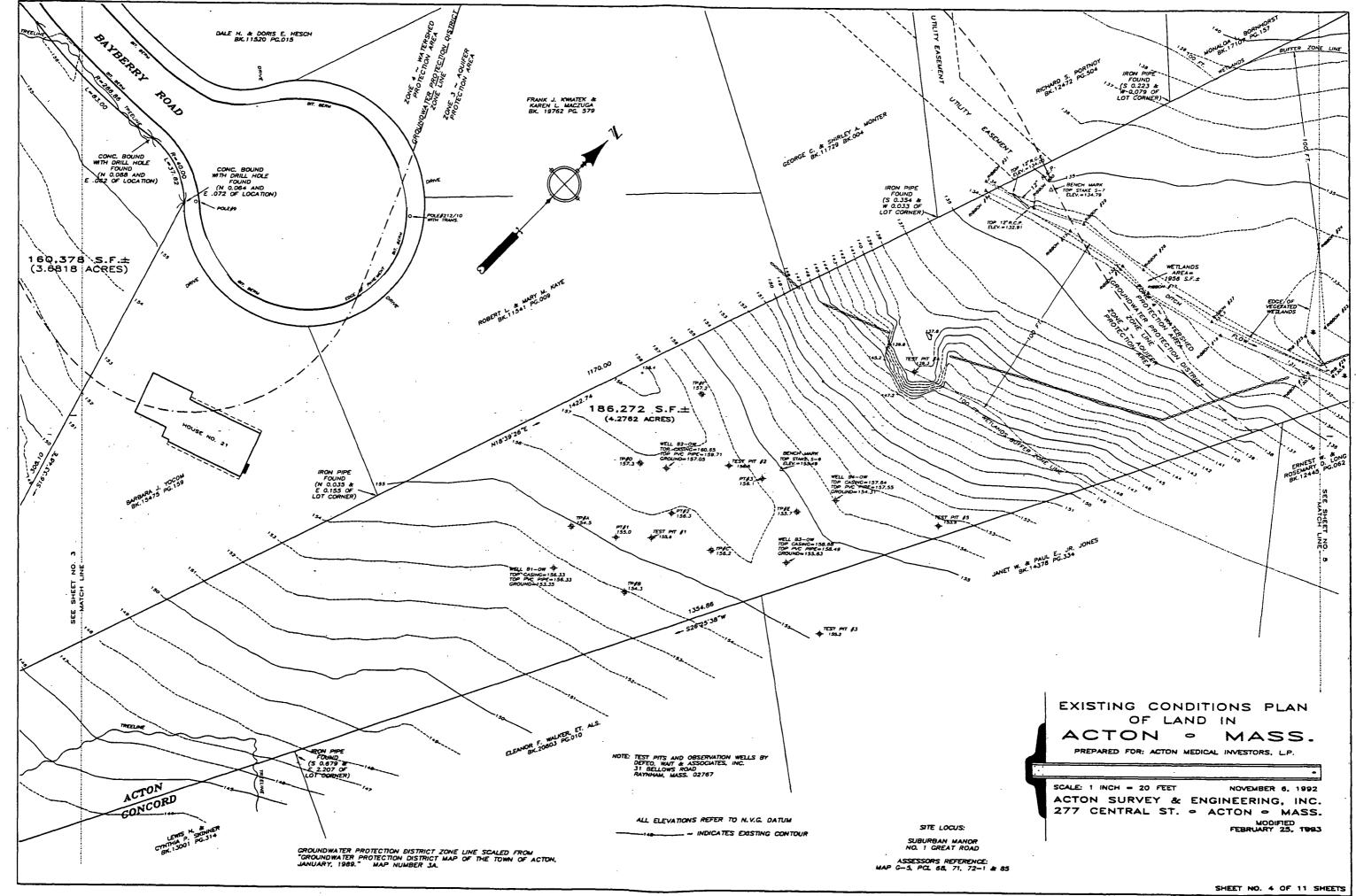
The state of the s

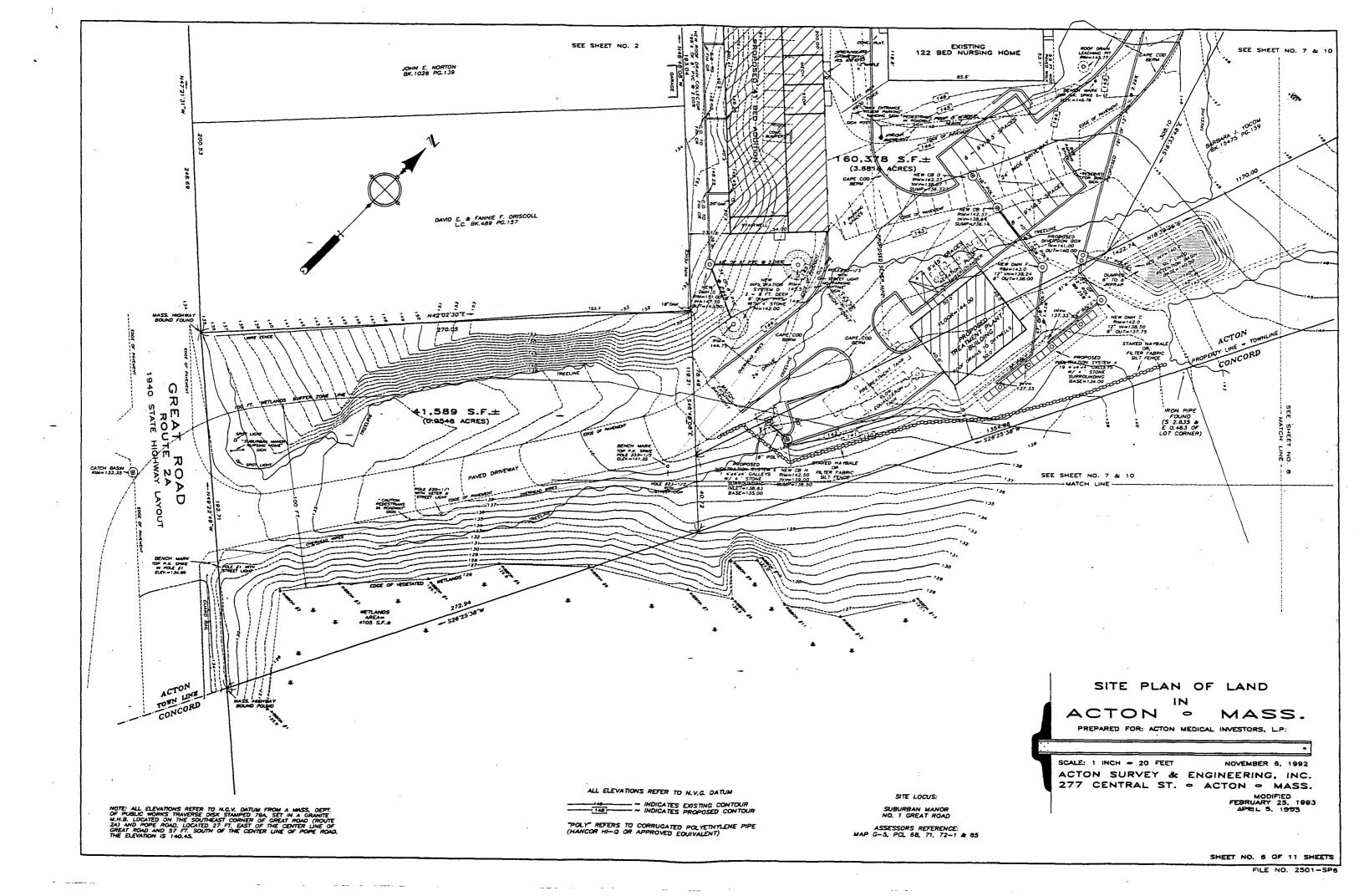
MODIFIED BRUARY 25, 1993 SPRIL 5, 1993

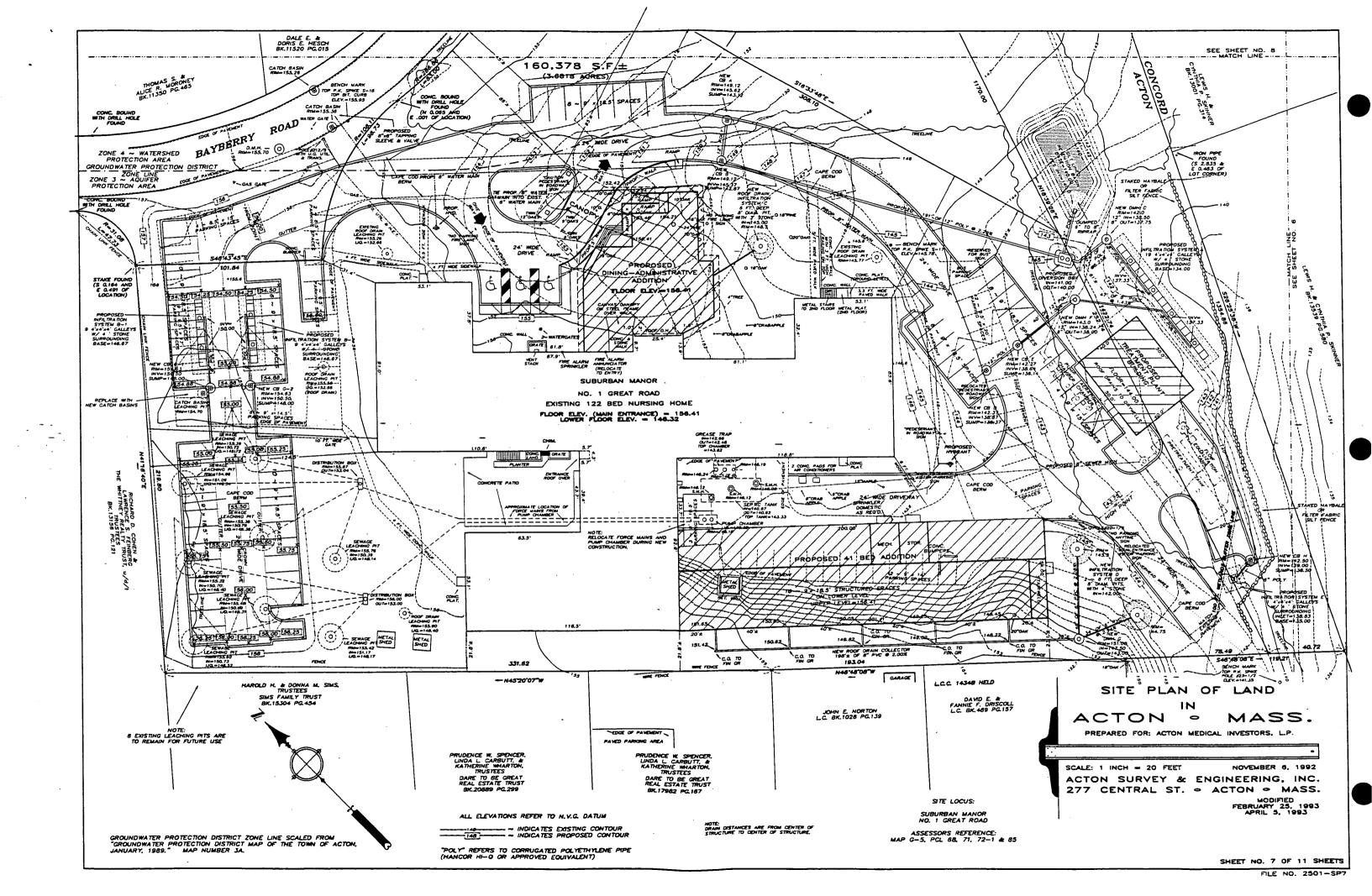
SHEET NO. 1 OF 11 SHEETS

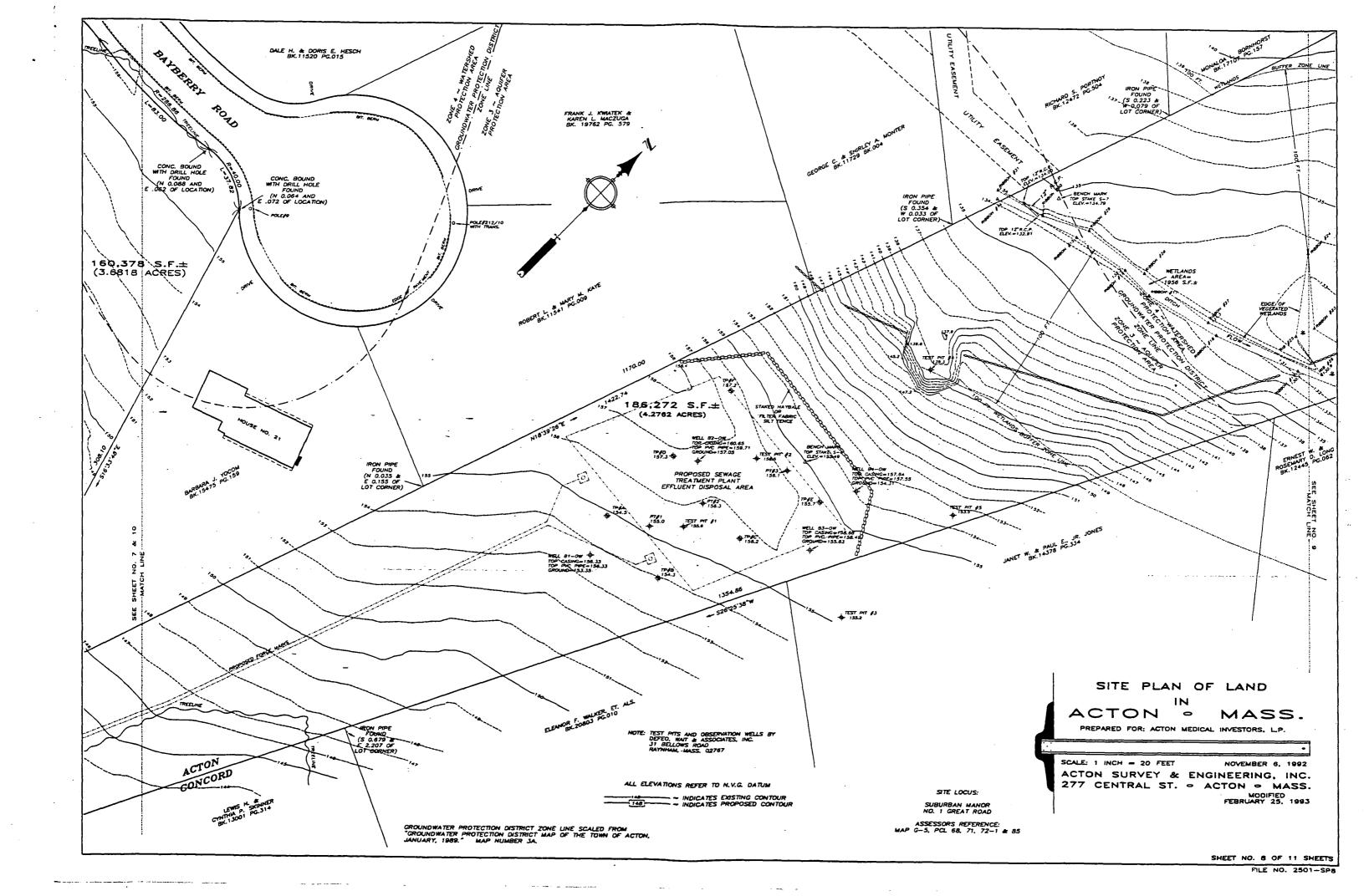


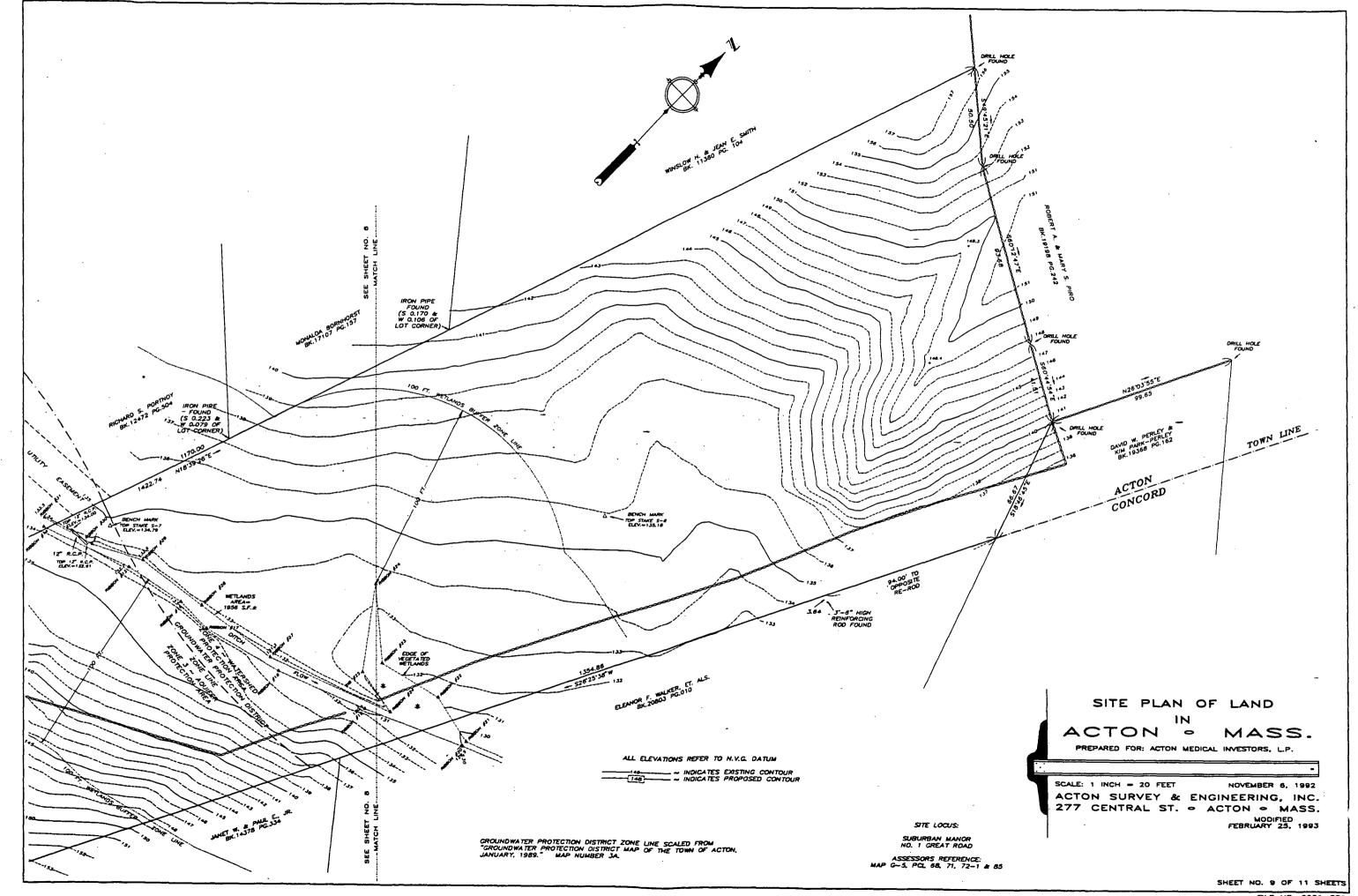


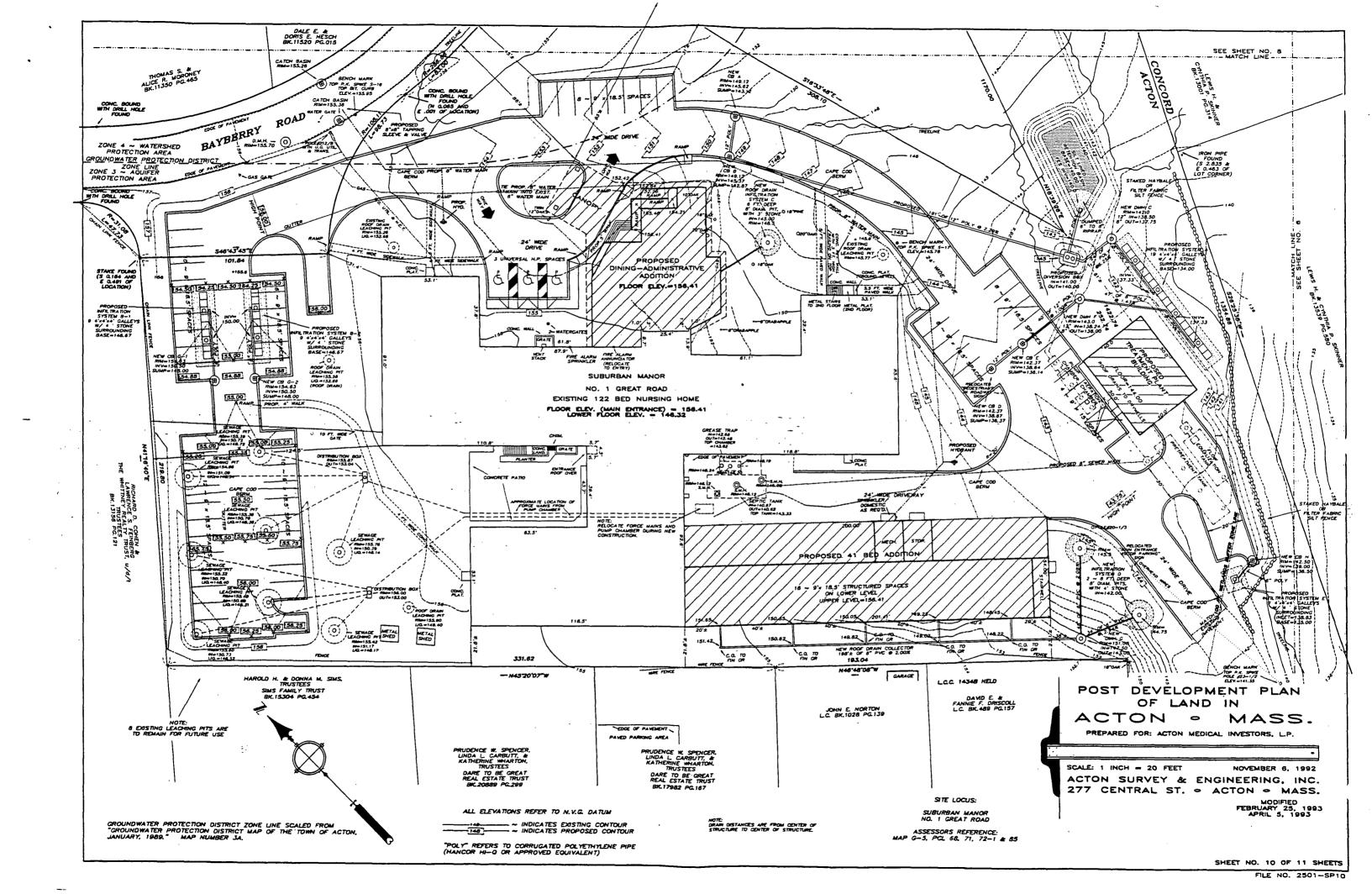


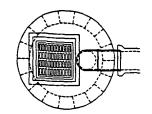






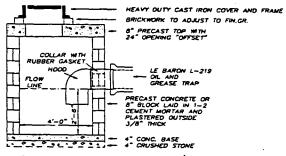


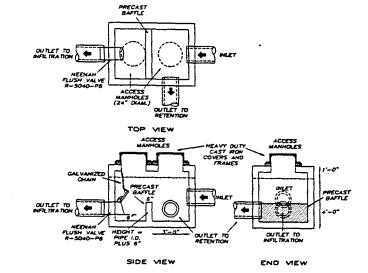




PLAN VIEW

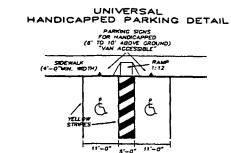
HOODED OUTLET CATCH BASIN DETAIL

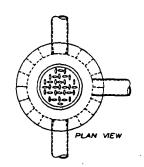


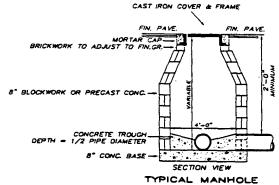


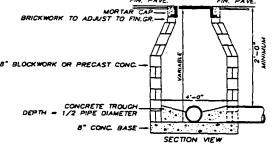
DIVERSION BOX

ROTONDO PRECAST PC 4x6 OR EQUIV.







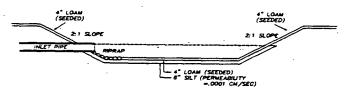


PAVEMENT DETAIL

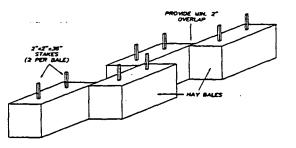
CAPE COD BERM







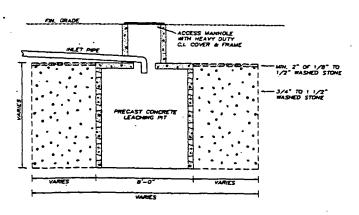
STAKED HAYBALE DETAIL



INFILTRATION SYSTEM DETAIL

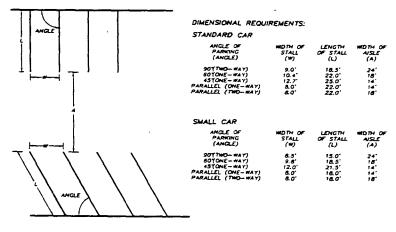
LEACHING PIT DETAIL

8" 8" 4" REDUCING TEE



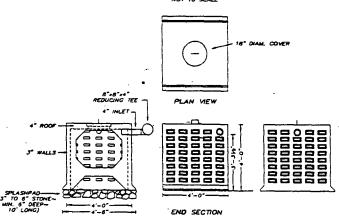
SITE LOCUS: ASSESSORS REFERENCE: MAP G-5, PCL 68, 71, 72-1 & 85

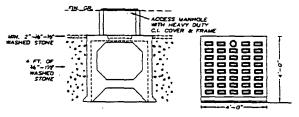
PARKING DETAILS



PRECAST GALLEY G444

(ROTONDO & SONS. INC. OR EQUIV.)





CENTER SECTION

CONSTRUCTION DETAIL SHEET OF LAND IN

ACTON -MASS.

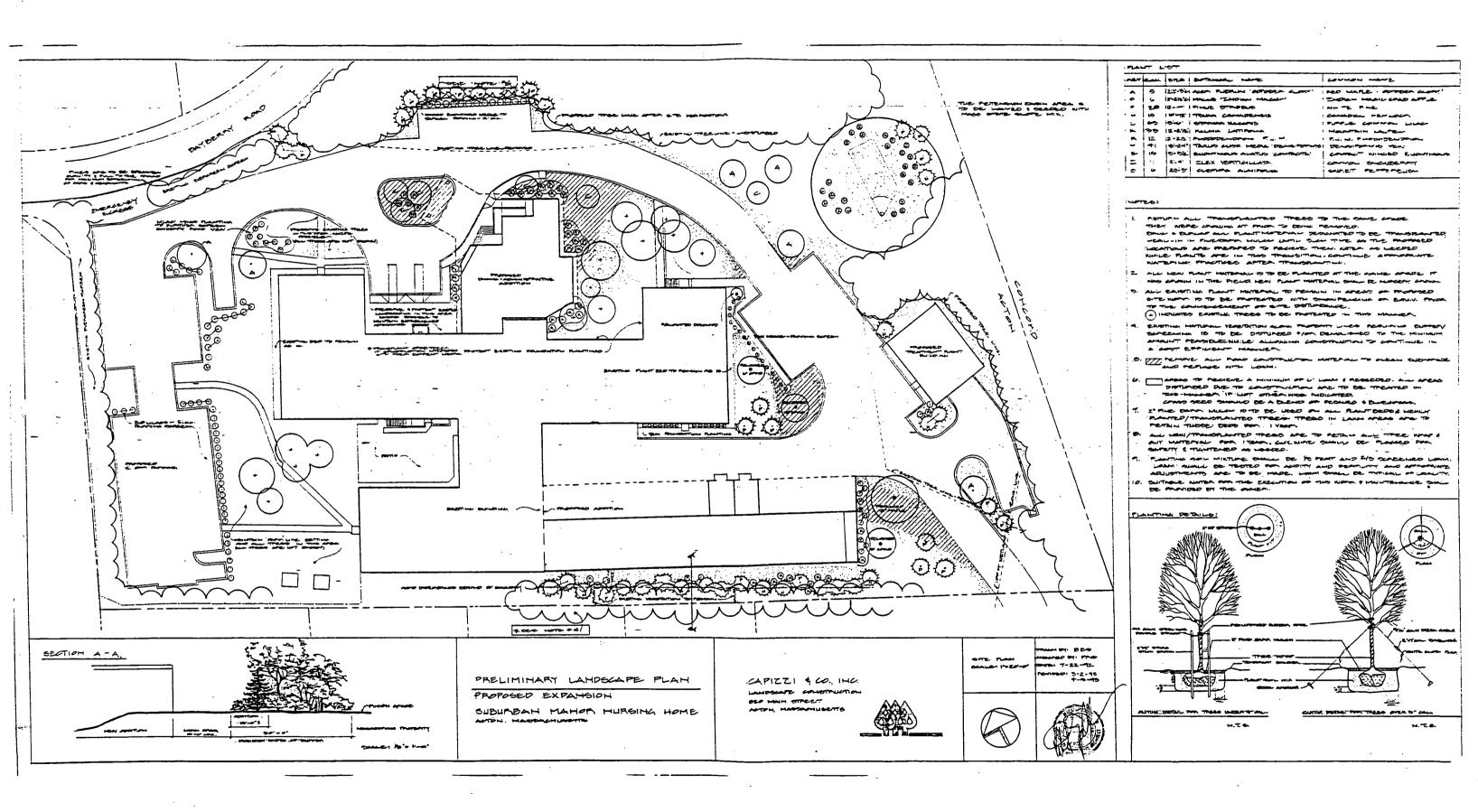
PREPARED FOR: ACTON MEDICAL INVESTORS, L.P.

SCALE: AS NOTED

NOVEMBER 6, 1992 ACTON SURVEY & ENGINEERING, INC. 277 CENTRAL ST. - ACTON - MASS.

MODIFIED FEBRUARY 25, 1993 APRIL 5, 1993

SHEET NO. 11 OF 11 SHEETS







A0.01

EXISTING BUILDING

SITE PLAN

045-4-50 20



SUBURBAN MANOR NURSING HOME ACTON, MA 1/16" FIRST FLOOR F

HOLDAL PROPERTIES.

2 BED PATENT ROOMS: 20 BOLATION ROOMS: 1 REPLACEMENT ISOLATION

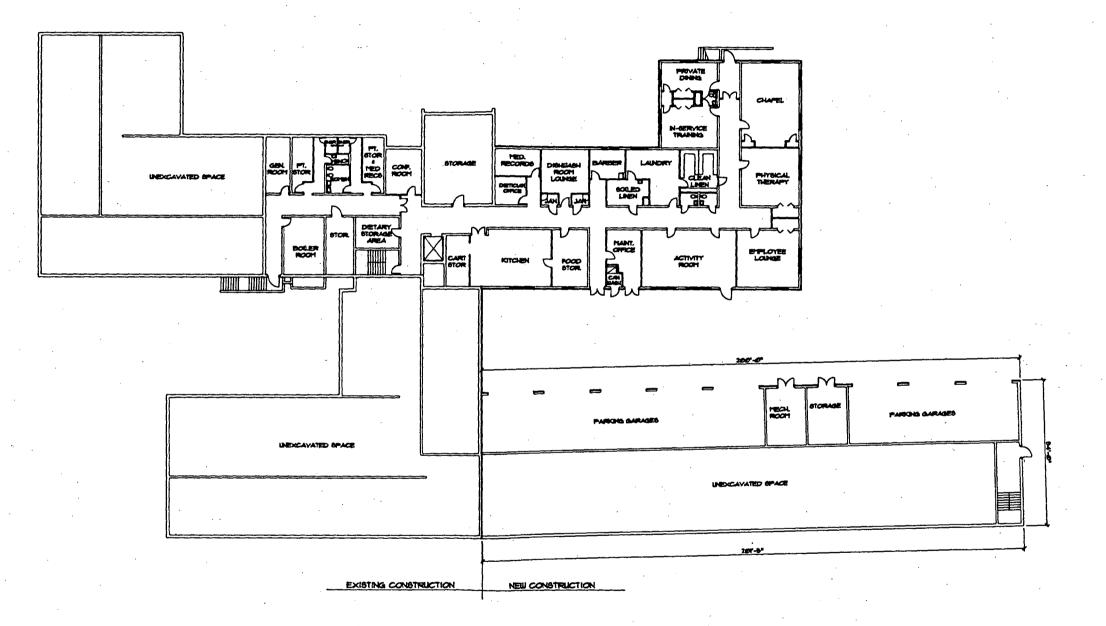
TOTAL PATIENT ROOMS 2

OTAL PATENT BEDS: 41

10,6364 4,0204 11,48004 11,2604 A0.02

SUBURBAN MANOR PRELIMINARY PLAN



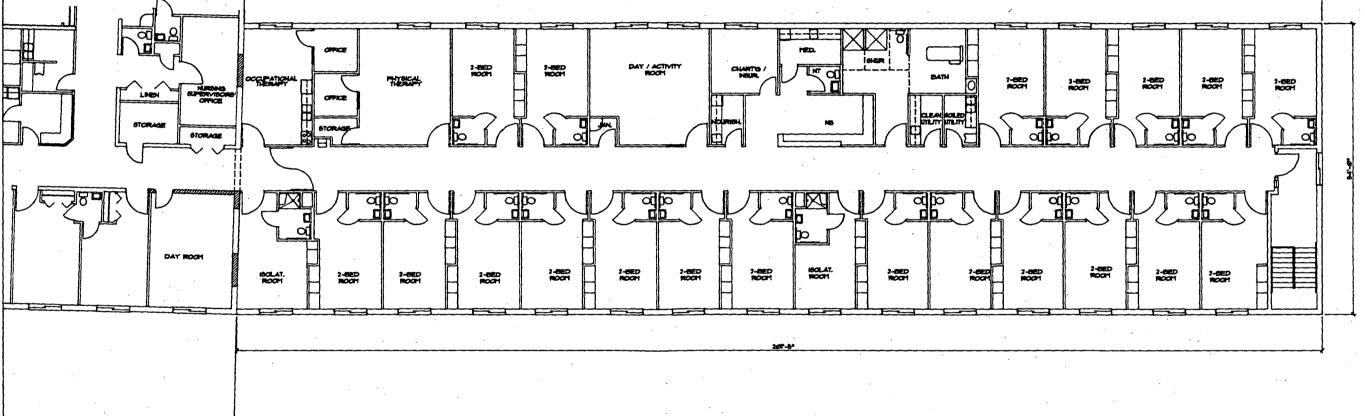




SUBURBAN MANOR
NURSING HOME
ACTON, MA
1/16" BASEMENT PLA

1/16" BASEMENT PLAN





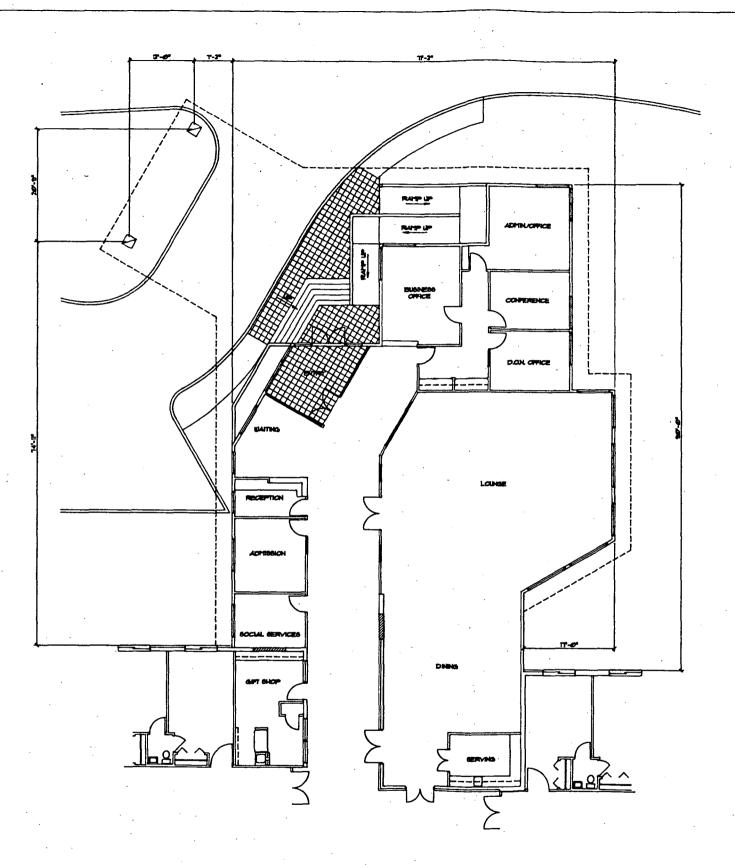
SUBURBAN MANOR PRELIMINARY PLAN

EXISTING CONSTRUCTION

A1.01

4892

SUBURBAN MANOR NURSING HOME ACTON, MA PATIENT ROOM,



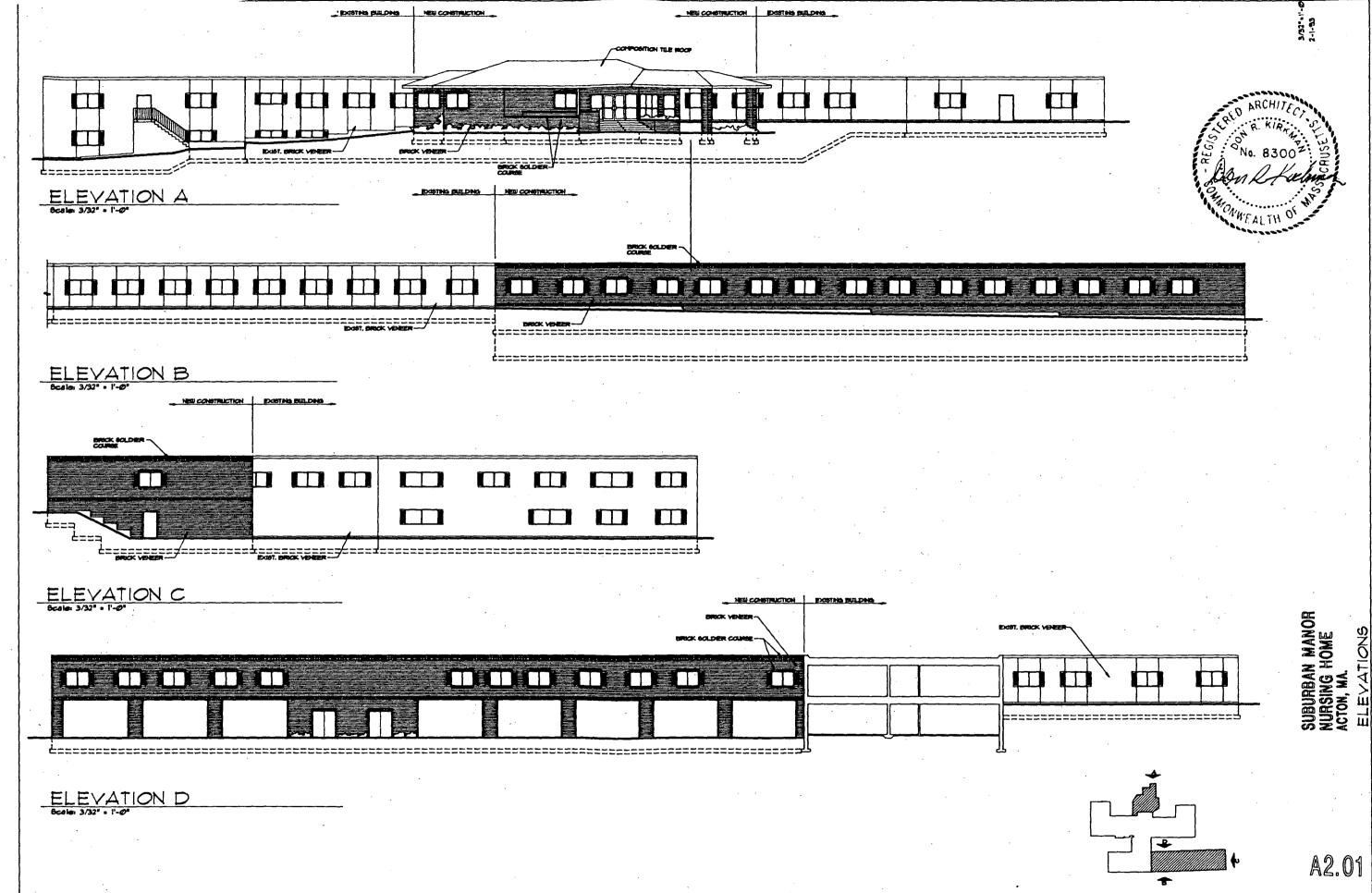
ONO. 83002 SELENOWEALTH OF WEALTH

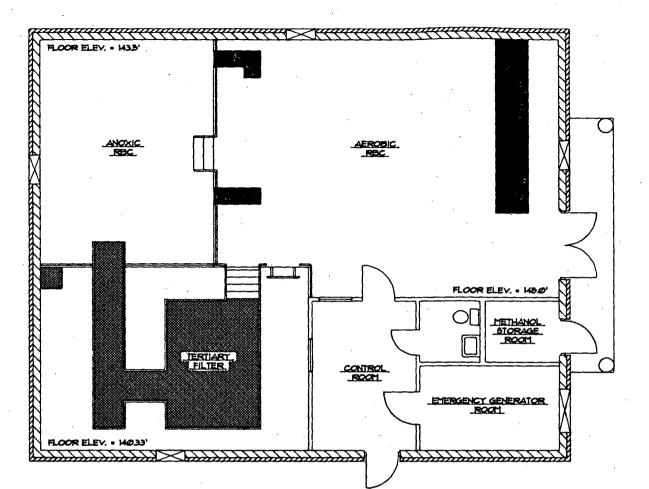
SUBURBAN MANOR NURSING HOME ACTON, MA

SUBURBAN MANOR PRELIMINARY PLAN



A1.02

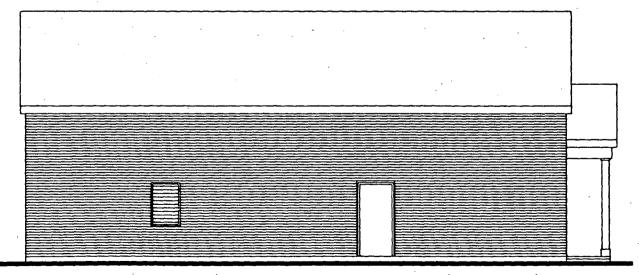


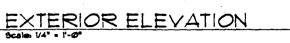


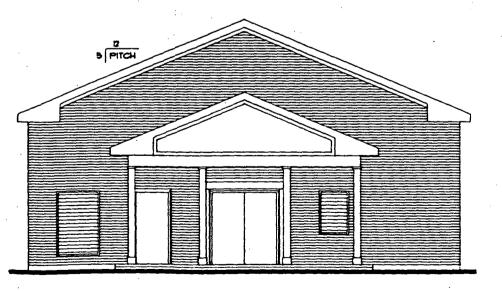


1/4*•!'-@* 2-!-&3

FLOOR PLAN







EXTERIOR ELEVATION

Books V4" = V-0"

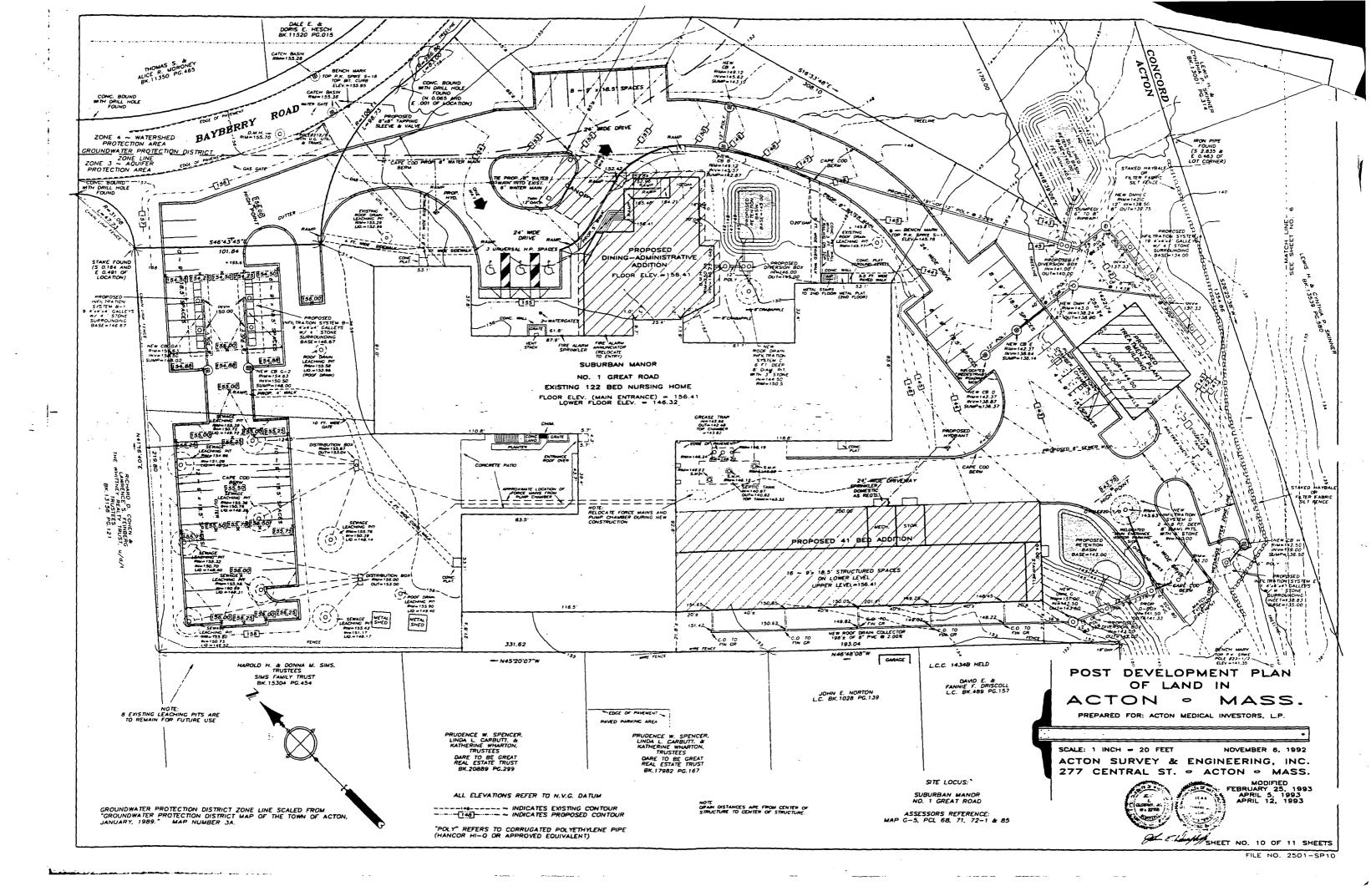
NOTE: ALL CRESINGS 4 REGISTS TO BE VERFEL BY THEATTENT PLANT BROWNER.

.

SUBURBAN MANOR TREATMENT PLANT ACTON, MA PLAN / ELEVATIC

A1.01

4792



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE



DATE: May 5, 1993

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: B+ Restoration List

Attachment A is the "B" Budget reduction list, which has been reconstructed based upon the input received from the Board of Selectmen on May 4, 1993. At first glance it may appear that neither John nor I calculated the net dollar change correctly, and the total cost of the items the Board of Selectmen suggested to be restored (items located between the dark lines) is in excess of the contingent appropriation. The \$228,372 in restorations is acceptable because of the \$10,000 unemployment cost item for West Acton Library will not be needed (in other words \$1,550,000 * .3 = \$465,000 465,000 - 219,909 (contingent appropriation) = \$245,091 of cuts under B+ budget, which will limit the B+ cut list to items 1 - 17 plus \$1,719 of item 18). Further, in order to facilitate your discussion, we have added an "amount restored" column to the far right of the worksheet.

Listed below are a series of short explanation paragraphs for each item that may be restored:

Items #18 & 22

Highway Paving

Presently, we are approximately 2 and 1/4 years behind in our

repaving program. The elimination of these monies will remove an additional two roadways from the FY94 repaving program. Without these monies the Highway department will be allocated just less than 1/2 of one cent per square foot of road surface for pavement maintenance.

Item # 19

Highway Overtime:

Increasing financial pressures in recent years have caused us to turn more and more to the skills of our Highway Department to construct projects that, in better times, would have been put out to bid. This has proven to be a cost effective, efficient way to get projects completed that we could not otherwise have afforded. At the same time it has taken our manpower away from the more traditional jobs such as roadside cleanup, etc. In order to regain some of the manpower that we lost when overtime was cut as part of the early budget reductions (FY90 & FY91), and allow us to continue with the very successful approach we have been using, \$25,000 was restored to the Highway Department "A" Budget Overtime Account.

Staff held onto this nominal amount of overtime in this understaffed department for as long as possible. This reduction will severely limit our ability to maintain ballfields (other than soccer fields), playgrounds and roadsides.

Item #21 Building and Ground Maintenance

Again, we held onto this important maintenance item for as long as possible before taking the reduction. These monies represent a very minor preventive maintenance program. Deferred maintenance of this type simply cannot be overcome and facilities quickly deteriorate to the point that replacement of elements is necessary as opposed to simple maintenance.

Item #23 <u>Intergradation of Systems Study</u> (Also please see separate memo)

Last October, Town Staff presented a major program of intertwining the land use and financial departments of Town Government. The integration of the several distinct data bases will form the foundation of a decision support system. In addition, the system will decrease the expected amount of tax dollars dedicated to the administration of Town and School Government (overlay, etc.). Thereby,

allowing those dollars to provide services that directly benefit the taxpayer.

The Finance Committee and the School Committees agreed that the required investment at this time was not only prudent but a prerequisite for the future financial viability of both the Town and the Schools. Without this program, the citizens of Acton are expected to be required to pay an additional \$2.7 million in taxes, reduce today's budget by a like amount (approximately 68 full time positions), or some combination of the two.

Due to the cost and the complexity of the integration, the Finance Committee requested that an independent body be hired to review the current situation, devise a plan, write the purchase specifications, and review the bid submission. The Selectmen, and the School Committees agreed with that request.

Item #24 New Traffic Signal

This project is listed as Recommendation #25 in the Master Plan and carries a High Priority designation. The Town has tried

for 4-5 years to coordinate a joint project with the private sector to signalize the intersection at High Street/Route 62, because on average this intersection has 7 accidents, many with personal injury, per year. In addition to the traffic flow that first caused us to place a high priority on this intersection, 2 subdivisions, a seniors' housing complex, and Digital's new corporate headquarters (200 additional people) have been added to the High Street/Rt. 62 neighborhood. Further, it is our understanding that Maynard may consider a change to their zoning bylaw in order to facilitate the replacement of the Maynard Motel with a high traffic commercial operation.

An initial contribution by DEC funded design of the signal and redesign of the intersection; however, economic conditions have caused most of the balance of the private sector to renege. The Town has gone ahead with its agreement to reconstruct the layout of the intersection.

This funding would provide for <u>installation</u> of signals and result in a significant safety improvement (the West Acton "temporary" light will be utilized).

Item # 25 Replacement of Highway Vehicle

This 1986 sedan will have logged over 100,000 miles when replacement occurs. The transmission was replaced approximately 2 years ago, and the drive train is experiencing problems once again. Brakes have been replaced 4 times and there is considerable body rust. Due to the marginal mechanical condition of the vehicle, replacement would be cost effective at this time.

Item #26 Replacement of Engineering Vehicle

This 1979 vehicle is critical to the function of our Engineering/Survey crew. The body of the current vehicle is in poor condition and it is not expected to pass inspection this year. Replacement is the only practical alternative.

Item #27 1 Fte Memorial Library

The restoration of the 1 Fte will allow the library to forgo closing for an additional 5 hours per week. We feel that the additional reduction in hours that the library is open to the public will continue the downward spiral in the availability of necessary services.

Item #28 1 Fte Planning Department

The replenishment of this one full time equivalent will allow this department to continue with its pro-active approach to land planning issues. Due to the increase in development applications, current staff members find that they do not have available time to investigate the availability of grants, maintain the database that was completed in 1989, as part of the Master Plan, and maintain the effort that they have expended recently in implementing the recommendations of the Master Plan.

ATTACHMENT "A"

Fiscal Year 1994 "B" Budget Reductions Recommendations

Cut Priority	ltem	Reduction Amount	Add Ins. Reduction	Unemploy. Cost	Total Net Reduction	Total Cumulative Reductions	Total Amount Restored
1	Funding of \$16,323 of Memorial Library Books from other Revenue	\$16,323			\$16,323	\$16,323	\$470,487
2	Reduction of Reserve Fund	\$2,000			\$2,000	\$18,323	\$454,164
3	Reduce Cemetery Staffing by 18% or obtain additional Trust Fund Contribution	\$38,500			\$38,500	\$56,823	\$452,164
4	Eliminate \$500. of Magic Funding	\$500			\$500	\$57,323	\$413,664
5	Eliminate the 4-wheel drive feature for the Fire Command Vehicle	\$10,000			\$10,000	\$67,323	\$413,164
6	Eliminate Landfill Closure Study Funding	\$10,000			\$10,000	\$77,323	\$403,164
7	Eliminate Master Plan Intersection Improvement Funding	\$10,000			\$10,000	\$87,323	\$393,164
8	Eliminate Memorial Library Phone System Upgrade	\$10,000			\$10,000	\$97,323	\$383,164
9	Eliminate Funding to Study and Create an Impact Fee Bylaw	\$10,000			\$10,000	\$107,323	\$373,164
10	Eliminate 50% of the Funding for Contract Tree Work	\$11,000			\$11,000	\$118,323	\$363,164
11	Eliminate Funding for Reclamation of loe House Pond	\$30,000			\$30,000	\$148,323	\$352,164
12	Eliminate Funding for the Creation of New Sidewalks	\$15,000			\$15,000	\$163,323	\$322,164
13	Eliminate Funding for Phase 2 Improvement at the Commuter Lot	\$20,000			\$20,000	\$183,323	\$307,164
14	Eliminate Funding to Replace the 1979 Sign Truck	\$18,000			\$18,000	\$201,323	\$287,164
15	Eliminate Funding for West Acton Library	\$20,792	\$3,500	N/A	\$24,292	\$225,615	\$269,164
16	Eliminate 34.7% of the Funding for COA Newsletter	\$1,500			\$1,500	\$227,115	\$244,872
17	Eliminate Funding for Computer Aided Design System Upgrade	\$15,000			\$15,000	\$242,115	\$243,372

Fiscal Year 1994 "B" Budget Reductions Recommendations

Cut		Reduction	Add Ins.	Unemploy.	Total Net	Total Cumulative	Total Amount
Priority	<u>Item</u>	Amount	Reduction	Cost	Reduction	Reductions	Restored
18	Eliminate 11% of the Highway Paving Funding	\$10,000			\$10,000	\$252,115	\$228,372
19	Eliminate 26.8% of the Funding for Highway Overtime	\$25,000			\$25,000	\$277,115	\$218,372
20	Eliminate 22% of the Funding for Municipal Property Dept. Overtime	\$1,000			\$1,000	\$278,115	\$193,372
21	Eliminate 29% of the Funding for Building and Ground Maintenance	\$4,000			\$4,000	\$282,115	\$192,372
22	Eliminate an Additional 11% of Highway Paving Funding(Total Reduction 22%)	\$10,000			\$10,000	\$292,115	\$188,372
23	Eliminate the Funding for Computer Study	\$50,000			\$50,000	\$342,115	\$178,372
24	Eliminate Funding for Additional Traffic Signal	\$30,000	•		\$30,000	\$372,115	\$128,372
25	Eliminate Funding for the Replacement of the Highway Superintenent's Car (1986)	\$15,000			\$15,000	\$387,115	\$98,372
26	Eliminate Funding for the Replacement of the Engineering Van (1979)	\$18,000			\$18,000	\$405,115	\$83,372
27	Reduce Memorial Library Staffing by 1 FTE	\$29,477			\$29,477	\$434,592	\$65,372
28	Reduce Planning Department Staffing by 1 FTE	\$28,000	\$7,895		\$35,895	\$470,487	\$35,895
29	Reduce Building Department Staffing by .35 FTE	\$13,900	\$2,763		\$16,663	\$487,150	
30	Reduce Highway Department Staffing by 2 FTE's	\$51,157	\$15,790	\$18,720	\$48,227	\$535,377	
31	Reduce Fire Department Staffing by 8 FTE's (Close 1 Station)	\$250,400	\$63,160	\$74,880	\$238,680	\$774,057	
32	Reduce Police Department Staffing by 4 FTE's (Reduce Patrol by 1 Officer Per Shift, plus 1 Additional Officer)	\$129,848	<u>\$31,580</u>	\$37,440	\$123,988	\$898,045	
To	ota i	\$904,397	\$124,688	\$131,040	\$898,045		

5/11/93

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

DATE: 5/7/93

TO:

The Board of Selectmen

FROM:

John Murray

SUBJECT:

Computer System Components

Listed below are the expected components, with cost estimates, of the requested computer system.

- 1. Finance Staff (approved FY94) \$ 88,000
- 2. MIS Director

\$ 65,000

- 3. Geographic Information Module
- 4. Permitting Module
- 5. Wordprocessing Module
- 6. Spreadsheet Module
- 7. Database Module
- 8. General Ledger Module
- 9. Payroll Module
- 10. Employee Benefit Mgmt. Module
- 11. Investment Module
- 12. Point of Sale Module
- 13. Accounts Payable Module
- 14. Purchasing Module

15. Real Estate Tax Module M. V. Excise Tax Module 16. 17. Assessing Module Each Module Approx. \$9,000 19. Records Mgmt. Module 20. Census Module Automotive Fleet Mgmt. Module 21. HVAC Management Module 22. 23. Computer Aided Design Module Land Survey Module 24. 25. Hazardous Materials Module Computer Aided Dispatch Module 26. Criminal Record Module 27. 28. Bldg. & Equip. Maint. Module 29. Necessary Hardware \$180,000 (50 pcs. @ 3k ea.) (+ 2 servers @ 15k ea.) Digitizing Costs 30. \$100,000 31. Conversion & Training Costs \$ 70,000

\$750,000

Total

ACTON WOMAN'S CLUB 504 Main Street P.O. Box 2253 Acton, MA 01720



March 19, 1993

The Board of Selectmen Town Hall Acton, MA 01720

Subject: Periodic Inspection Waiver of Fee

Dear Members of the Board:

Reference is made to a letter dated March 15, 1993 addressed by Building Commissioner Garry A. Rhodes to the Woman's Club advising that our facility is required to be inspected and certified by the Building Department every year. A Request for Periodic Inspection form was also transmitted for completion.

On March 18 a Club Trustee went to Mr. Rhodes office to comply and learned that a fee of \$40.00 is now required for this service. Since we are a non-profit organization and all of our monies are used for high school scholarships, museum passes, donations for needy causes and house improvements, we ask that the Board of Selectmen reconsider this fee.

Inasmuch as such administrative fees have always been waived for the Woman's Club we hereby respectfully request that we and the Office of the Building Commissioner be informed that the fee is waived.

Sincerely yours,

Joanne Storer (mmd)

Joanne Storer President

SELECTMENS CONCERNS

TOWN OF ACTON 472 Main Street Acton, Massachusetts 01720 Telephone (508) 264-9612 Fax (508) 264-9630

n P. Johnson n Manager

April 28, 1993

Mrs. Marguerite LaFreniere 144 Parker Street Acton, MA 01720

Dear Mrs. LaFreniere:

I have made several unsuccessful attempts reach you by the phone to update you on your request regarding waiving of the I have looked through all incoming correspondence received in my office and that of the Town Manager. I have been unable to find the letter which you referred to regarding waiving of the Building Inspector's Inspection fee.

In order for the Board of Selectmen to consider your request it must be in writing outlining the reason for consideration. I suggest that another letter be drafted and sent. When I receive it from you, I will schedule you on the next available agenda to have the Board review and act on your request.

ery truly yours,

Christine M. Joyce Town Manager's Office

cc: Town Manager
Building Commissioner

CONFLICT OF INTEREST

STAMSKI AND MCNARY, INC

80 Harris Street

Acton, Massachusetts 01720

(508) 263-8585

ACTON ENGINEERING DEPT.

FAX (508) 263-9883

BRUCE M. STAMSKI, P.E.

WILLIAM F. MCNARY, P.L.S.

POPE ROAD SIDEWALK

THE KNOW WITHT YOU WILL IVERD

AS BACK UP IMATERIAL April 13, 1993

File: 41393LTR

Town of Acton Board of Selectmen Town Hall Acton, MA. 01720

RE: Disclosure Statement

Dear Board Members:

Attached please find a disclosure statement sent to the Town Clerk. Stamski and McNary, Inc. is seeking formal approval from the Board of Selectmen for a contract to design sidewalks along Pope Road from Stonymeade Way to Great Road.

Sincerely,

3-Ite

For Stamski and McNary, Inc. Bruce M. Stamski, President

dms

4/15/93

フロハ

I ASSUME BRUCE SENT YOU THIS
LETTER WE WILL NEED TO MOVE QUICKLY
If ANY CONSTRUCTION WORK IS TO TAKE
PLACE THIS YETTER. BRUCE IS SCHEDULED
TO COMPLETE HIS WORK BY JUNE 1ST

ENGINEERING

PLANNING

SURVEY

Upwar or man "

1 Selt

STAMSKI AND MCNARY, INC

80 Harris Street

Acton, Massachusetts 01720

(508) 263-8585

FAX (508) 263-9883

DECEMPOS DE APR 1 4 1993

ACTON ENGINEERING DEPT.

BRUCE M. STAMSKI, P.E.

WILLIAM F. MCNARY, P.L.S.

April 13, 1993 File:41393DIS

Town Clerk Town of Acton Town Hall Acton, MA. 01720

RE: Disclosure Statement

To The Town Clerk:

Please be advised that Stamski and McNary, Inc. is seeking to accept a contract with the Town of Acton to design sidewalks along Pope Road in Acton, MA. Also be advised, that Bruce M. Stamski, a principal of Stamski and McNary, Inc., holds an unpaid special position as a member of the Recreation Commission within the Town of Acton.

Sincerely,

For Stamski and McNary, Inc. Bruce M. Stamski, President

dms

The Commonwealth of Massachusetts State Ethics Commission

John W. McCormack State Office Building, Room 619 One Ashburton Place, Boston 02108 Telephone (617) 727-0060

SE: AMENDMENT

COMMISSION FACT SHEET

"SPECIAL" MUNICIPAL EMPLOYEES

The conflict of interest law covers all municipal employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, two sections of the conflict law apply less restrictively to those part-time or unpaid municipal officials who have been designated as "special municipal employees."

Special municipal employee status can be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen, city council or town council. You are eligible to be designated as a special municipal employee provided that:

- 1) you are not paid; or
- 2) you hold a part-time position which allows you to work at another job during normal working hours; or
- 3) you were not paid by the city or town for more than 800 working hours (approximately 20 weeks fulltime) during the preceding 365 days.

It is the municipal position which is designated as having special status, not the individual. Therefore, all employees holding the same office or position must have the same classification as special. For instance, one member of a school committee cannot be classified as a special unless all members are similarly classified.

The designation may be made by a formal vote of the board of selectmen or city council at any time. Votes should be taken individually for each board or position being designated -- expressly naming the positions being designated. Once a position is designated as having special status, it remains a special municipal employee position until and unless the classification is rescinded. A list of all the special municipal employee positions should be on file at the town or city clerk's office.

Under no condition may a mayor, alderman, city councillor, town councillor or selectman in a town with a population of more than 10,000 be designated as a special. However, in towns of 10,000 or less, selectmen may designate themselves as special employees.

- 1. hold any number of appointed unpaid positions.
- 2. hold any number of elected unpaid positions.
- 3. hold any number of <u>elected paid</u> positions. Yes, you can receive pay for all of them.
- 4. hold more than one <u>paid</u> position provided that the jobs are in separate agencies (which do not have overlapping responsibilities) and all paid jobs have been publicly advertised. (There are additional technical requirements you must meet including the requirement that the board of selectmen must approve of your holding more than one paying position -- contact your city or town counsel or the Ethics Commission for advice before taking a second paid job.)
- 5. have a contract with the town provided that the contract is with an agency totally independent of where you work, there is no overlap between the agencies, and the contract has been publicly advertised or competitively bid. (Again, you must meet further technical requirements -- get advice on this.)

Selectmen, town clerks and executive secretaries have special rules which apply to them.

Municipal employees in a town with a population of less than 3,500 may hold more than one paid appointed position if the Board of Selectmen formally approves the additional appointments. The employees do not need to be designated as specials in communities with a population of less than 3,500.

Additional Section 20 exemptions for "specials."

If you hold an unpaid special position, you may also:

- 1. hold a second paid position or have a town contract if the agencies are separate and their responsibilities do not overlap. There is no requirement that the jobs be publicly advertised. Before taking the second job or accepting the contract you must file a disclosure listing the two jobs or the contracts with the clerk. To receive this exemption, you do not need the approval of the board of selectmen.
- be hired or contract with your own department or a department under your supervision if you receive formal approval from the city council, board of selectmen or board of aldermen. Again, you must file the disclosure with the city or town clerk.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 3/11/93

TO:

Don P. Johnson. Town Manaer

FROM:

David F. Abbt, Engineering Administrator). WH

SUBJECT: POPE ROAD SIDEWALK

On March 1, 1993 we received four proposals for survey and engineering work in connection with the proposed construction of a sidewalk on Pope Road from Stoneymeade Way to Great Road as follows:

1.	Stamski & McNary, Inc.	Not to exceed cost	\$6,500.00
2.	John R. Snelling Associates	Estimated Project Cost Not to exceed cost	\$6,000.00 \$8,000.00
3.	David E. Ross Assoc., Inc.	Not to exceed cost	\$7,500.00
4.	R. Wilson and Assoc.	Total project cost	\$9,050.00

Both Stamski & McNary and Snelling Assoc. are well qualified firms. Snelling Assoc, is particularly well qualified to perform the field survey portion of this project due to the fact that they have several former Middlesex County Surveyors on their staff. Stamski & McNary, on the other hand, is probably stronger in civil engineering and wetland related issues, while still being qualified as surveyors. On balance, it is my judgement that the proposal from Stamski & McNary, Inc. is the most responsive and responsible and should be given the contract for the work. This is a professional contract under Chapter 30B and is therefore otherwise exempt from the provisions thereof.

Need for this Contract

The project will involve considerable effort for field survey and plan development and with the reduced staffing and extensive pending project list, the Engineering Department does not have the man hours available to complete this project in a timely manner (see enclosed project list for 1993-94).

Funding for this Contract and Proposed Budget

The funding source for this project is a \$50,000 gift from the Concord Cooperative Bank (Budget # 1475) as the developer of the Stoneymeade Subdivision after their foreclosing on the original owner.

Engineering \$ 6,500.00 1.

Construction

3300 l.f. @ \$13.18/l.f. Total

\$43,500.00 \$50,000.00

Proposed Schedule for this Project

1. Field survey & plan preparation completed June 1, 1993

2. Public hearing, wetlands filing, abutter negotiations completed (Scenic Road filing if required)

August 1, 1993

3. Construction start by Completion by (or as Highway Dept. schedule allows)

September 1, 1993 December 1, 1993

Description of Project

This project will consist of the design and construction of a standard 5 foot wide bituminous concrete sidewalk substantially within the county layout of Pope Road from Stoneymeade Way to the Colonial Spirits driveway near Pope Road a distance of approximately 3300 feet. The design will minimize the filling of wetlands and cutting of trees. To the extent possible, a grass or woodchipped strip of random width will be maintained between the edge of pavement on Pope Road and the sidewalk. The sidewalk will be constructed on the east side of the road unless this proves to be impossible. The limited funding will probably preclude the installation of a berm or curb on Pope Road unless the sidewalk directly abuts the pavement, in which case an asphalt berm would be used due to its lower cost. Pope Road north of Brabrook Road is a scenic road.

Conclusion

With your approval, I will prepare an award of contract and purchase order to Stamski & McNary, Inc. for the engineering and design phase of this project.

DFA/dmj

cc: Richard Howe, Highway Superintendent Dean Charter, Tree Warden Roland Bartl, Town Planner



April 30, 1993

co! Bos

APR 3 0 1933

Ms. Nancy Tavernier, Chairperson Acton Board of Selectmen Town Hall 472 Main Street Acton, MA 01720

Dear Ms. Tavernier,

On Wednesday evening, May 19th, Cablevision and The Arts and Entertainment Network will join forces to bestow a National Cable Television Library Grant on the Acton Memorial Library. The grant involves the donation of a 20" color television monitor, a new video-cassette recorder and a collection of classic Arts and Entertainment video tapes to the library. In addition, Cablevision plans to sponsor a reduced rate installation program in the near future with proceeds going to the public library.

A presentation program is being planned for the 19th at the Town Hall Meeting Room, beginning at 7:00 PM. I would like to take this opportunity to invite you, or a designated member of your Board, to speak at the ceremony. Other speakers will include Wanda Null, Librarian, Penelope Contos, Cablevision General Manager and Mr. Joel Schwartz from the Arts and Entertainment Network.

A highlight of the presentation program will be a 15 minute video about Acton Memorial Library which will be prepared by our Acton Program Coordinator, Mark Tomyl. The tape will be presented to the library, along with the other items previously mentioned, and it will be aired extensively on local cable. The public is invited to attend and Cablevision will provide refreshments.

Please contact me at your convenience. I may be reached at the Hudson office at (508) 562-3885, ext. 423. I sincerely hope you will be able to join us for this exciting evening.

Sincerely,

Joseph P. Magno

Director of Programming

R. Smith

NOTE TO BOS - I HAVE

SPOKEN W/ROY REGARDING

THIS CETTER. WILL BE PREPARED

TO DISCUSS IF YOU DESIRE. EXEC.

SESSION MIGHT BE APPROPRIATE.

292 GREAT ROAD • ACTON, MA. 01720

• TEL. (508) 263-0011

April 29, 1993

APR 2: 9 1933

Don Johnson, Town Manager Town of Acton Acton, MA 01720

Re: Letter of March 30, 1993 regarding Senior Center

Dear Don,

I realize how busy everyone is with the tax override, but it has now been a month since we last corresponded and I have received no formal or informal response regarding the funds required to finish the Senior Center.

I have received, through Eric, a letter from the Planning Department which discusses items to be completed by 6 May in the South Phase in order to receive Planning Board approval or sign-off so we can release the first two units in the North Phase. Included in that letter/list are two items which are not the prerogative of the Planning Board in regard to signature. Specifically, item 7 regarding the Senior Center is your/selectman's responsibility.

The bank, namely Dave Conley who made the agreement with the town regarding maximum expenditure and release of the \$130,000, does expect that the Planning Board release on the 10th will coincide with your release so we can pass on the following day.

The problem is that no one seems to have time to confirm this fact. I have been calling for one week, and we are "breaking our backs" to meet the deadline on the Planning Board letter.

I do not want this to become a problem. Is it?

Cordially,

Row C. Smith

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

April 22, 1993

Eric J. Smith R. Smith Associates, Inc. 292 Great Road Acton, MA 01720 APR 2 6 1933

REGARDING: Audubon Hill, Units 101 & 103 Releases

Dear Eric:

Attached please find an itemization by the Engineering Administrator listing the outstanding items which must be completed prior to the requested release of any further units by the Planning Board or the Town. In addition to those items, I believe you have been informed by the Building Commissioner that he cannot issue occupancy permits until the emergency access has been completed with the binder course. The Planning Board will take up this matter on May 10th, 1993 to review all matters under its jurisdiction. You should expect that the Planning Board will not release the units unless the items under its jurisdiction are completed and unless the units are ready for occupancy as determined by the Building Commissioner. You may use the enclosed list to begin your work. You should contact the Engineering Department concerning inspections.

As you know, in accordance with the supplemental development agreement the unit releases must be co-signed by the Town Manager. As of today the Board of Selectmen has not authorized such a signature on the requested unit releases.

Sincerely,

Roland Bartl Town Planner

cc: Planning Board

Engineering Administrator

Town Manager VBuilding Commissioner

Roland Ball

[RHB.SP.P.93*22]

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 3/30/93

TO:

The Board of Selectmen

FROM:

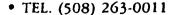
John Murray

SUBJECT:

The Senior Center

Attached is a copy of a cover letter received from Roy Smith today. Staff has not been able to review all attachments, but we thought the content of the last paragraph on page one would be of interest. I have also taken this opportunity to attach a letter from the Board to Roy Smith dated May 1, 1992.

Due to the election being held today staff will not be prepared to discuss all the technical points of this matter, but will be able to speak to the issues generally.



March 30, 1993

Don Johnson Town of Acton Town Hall Acton, MA 01720

Re: Our Senior Center Meeting of 18 March 1993

Dear Don,

The center will now be ready for initial occupancy on 15 April. As we discussed last Thursday, two items remain open. One item is the additions or clarifications to the lease which I believe have been discussed and resolved; and the second and more important item is payment of costs exceeding the \$300,000 limit agreed to between the Town and Boston Federal Bank.

The lease additions are attached (Exhibit "B" to the lease). I have discussed the Board of Health items with Doug Halle and the revisions reflect the current Town of Acton Rules and Regulations. I am currently discussing with Jack Dunphy regarding the revised septic plan for the Elderly Center increased septic flow. The plan will reflect the requirements outlined by a Town of Acton interdepartmental communication dated May 14, 1992. It is my understanding that Doug will review these requirements with Jack Dunphy and upon receipt of the revision from Jack will review and approve the revision. That revision will become Exhibit "C" to the lease and will be installed by the Town prior to 1 July 1993. Please have Exhibit "B" reviewed and approved by the Selectmen.

The decision of what to do in regard to costs in excess of \$300,000 is not as simple. The Bank, based on its discussions with the Town, released earlier funds to the Town with the clear understanding that \$300,000 was the limit and will not release further funds past the \$300,000. As discussed, the building will be complete, but the following items, which will not restrict occupancy, only exterior appearance, will remain incomplete.

Finish paving (bid) - finish coat, berm, sidewalk	\$15,195
Landscaping (bid)	4,700
Loaming - screened loam on site	1,800

The items that were provided above and beyond the original estimate include the expanded kitchen and the roof from the unloading area to the main entrance. These items, along with the nationwide uncontrollable increase in building materials, caused the shortfall.

Please discuss these items with the Selectmen at your next meeting. If you need our presence, please call.

Yours gruly,

Roy C. Smith

President

RCS/jws

Attachments

erellc

5

TOWN OF ACTONILE COPY
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Nancy Tavernier, Chairman Board of Selectmen

May 1, 1992

Mr. Roy Smith, President R. Smith Associates, Inc. 292 Great Road Acton, MA 01720

Subject: Senior Center

Dear Mr. Smith:

The Board of Selectmen is quite distressed over reports concerning the current status and anticipated costs of the Senior Center that you are building at Audubon Hill. In a recent meeting with a representative of the Council on Aging (conducted in executive session) the Board was informed that your current estimates place the cost of construction at \$324,000 and, equally disturbing, we find that much of what you had previously specified to be included in the finished building is no longer included.

The Town has never received more than an outline specification, a conceptual floor plan and exterior elevations describing this facility. Nonetheless, you and your representatives have made numerous verbal representations as to the content of the finished building. Despite the difficulty of negotiating in such a vague atmosphere, Town representatives have negotiated in good faith, being at all times mindful of your generosity and sensitive to the financial constraints of the overall Audubon Hill project.

The Board now questions the value of further negotiations and cites the following as some of the reasons for its frustration:

January and February of this year, wherein you were seeking a renegotiated Comprehensive Development Agreement for the overall project, you continually represented that this facility could easily be constructed for less than \$300,000. On or about February 6, during negotiations with Town Manager Don

Johnson, Assistant Town Manager John Murray and Messrs. Conley and Tashjian of Boston Federal Savings Bank, you affirmed the validity of that number. At your office, immediately following the meeting with the bank officials, you and Mr. Charles Allard further stated to Mr. Johnson and Mr. Murray that you felt the \$300,000 from the bank would provide ample funding to incorporate the additional amenities sought by the Council on Aging. Indeed, Mr. Allard assured the Town representatives of his confidence that the building, as then designed, could be constructed for \$240,000 ... thereby providing \$60,000 to fund the desired changes.

- On numerous occasions over the past year your 2. office (usually represented by Mr. Eric Smith) has approached representatives of the Council on Aging and the Town Manager's office seeking to demolish the old Veenstra house. The house was originally planned to be restored and incorporated as part of the Senior The representation was that the cost of restoring the house would be substantial, compared to the space gained. The promise was that better space would be provided in a single-story expanded floor plan for the Center, with a walk-out basement for storage purposes, while reducing the overall cost of construction. In a meeting with Eric Smith at Town Hall on April 21, representatives of the Council on Aging were informed that the ceiling height for the planned basement space could not be designed to meet Building Code requirements. This was subsequently confirmed by your architect. This revelation comes after demolition of the house and with no other proposal for providing the needed storage space.
- In the April 21 meeting there were other changes in the content of the Center that came to the attention of the Council on Aging. These included the removal of a fireplace that had been included earlier and the disclosure, on questioning, that your offer no longer included cabinets or counters in the kitchen. The latter had been clearly included in an outline specification provided to the Council in January.

In January and February, as the Town considered your request for relief from most of the conditions of the Comprehensive Development Agreement, the Board weighed the substantial value of the housing units and conditions it was being asked to surrender versus the value of the Senior Center and the amenities anticipated within the \$300,000 allotment offered by the bank. In coming to their decision to grant the relief you requested, Board members placed a great deal of

confidence in the representations you made with regard to the budgeted numbers. After the Selectmen assented to the revised agreement the estimate rose dramatically and, since that time, has continually remained well above \$300,000.

Representatives of the Town have attempted to understand the reason(s) for the dramatic changes in both the estimates and the specifications for this project. To date, we have been unable to reconcile these differences. The only resolutions offered by your representatives have been reductions in content of the building or financial contributions by the Town. Neither of these alternatives is acceptable to the Selectmen.

On Tuesday, April 28, the Board of Selectmen voted unanimously to inform you that the Town will not invest monies to offset costs above the \$300,000 allocated by the bank. The Board expects that you will construct the facility you promised, within the budget to which you agreed. Ultimately, when the building is ready for occupancy, the Selectmen will have to decide whether it is suitable for our purposes. The Board has determined that further participation in the design/estimating process at this time is not in the best interest of the Town.

If you wish to discuss this matter further with the Selectmen you may do so by contacting the Town Manager's office and scheduling time during a regular public session of the Board.

Very truly yours,

Nancy Tavernier, Chairman Board of Selectmen

cc: Acheson H. Callaghan, Jr., Palmer and Dodge David Y. Bannard, Palmer and Dodge Mr. David Conley, Boston Federal Savings Bank Council on Aging

DPJ:280

5/11/93

SELECTMEN'S MEETING APRIL 6, 1993

The Board of Selectmen held their regular meeting on Tuesday, April 6, 1993. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

Jeff McHarg, 4 Foster Street, representing a coalition of citizen interested in presenting a supplemental budget at Town Meeting outlined the purpose and intent of the proposed plan. They assured the Board that if the proposal fails that they will not pursue additional Town Meetings or override action. They propose to restore an additional \$687,000 to the B Budgets as presently presented. They feel that this action at town meeting will further define the will of the people. They have contacted Don MacKenzie and have had discussion with him on the way this is to be presented.

Janet Murphy, 26 Concord Road, asked about the supplemental budget proposal and would they be returning funds to the Townside as well. They said that it would be returned in the formula agreed to by Coordinating Committee.

Bea Perkins said that she felt that the Ballot Vote demonstrated the will of the people and that in previous years when an override passed the opposition did not ask for further votes.

Jean Glidden spoke about the NESWC issue and the Board took the opportunity to explain the issue as it related to the budget and fixed costs, such as SPED at the School side.

Jack Ormsbee felt that this was a credibility issue and that the ballot vote should not be challenged on Town meeting floor or at a special election.

Garry Pavlick, Madison Lane spoke about the need to revote as the 100 votes that lost the override was a small margin. He said we should spend money to keep the school budgets intact. It was one of the reasons he moved to the Town and felt education was important and the budgets should be restored.

Dore' outlined his feelings on whether the Board should vote to put another override before the voters.

Janet Murphy spoke about the override margins in past years and that this years margin and voter turnout told the story of the voters wishes in her opinion.

Nora Russell spoke about the amount of notice that would have to be given to the public if an override was again placed on the ballot. Nancy explained that Town meeting could vote a

Non-binding Resolution that would direct the Selectmen to put an override question on a special ballot. However, the Board of Selectmen have the final say option as to if and when one is presented by statute. She expressed concern about the cost of a special election with is estimated at \$8,000.

Anne Chang, Billings Street felt we should take the hit this year and "put all our eggs in next year's basket".

Robert Matson felt we should take our lumps now.

Robin Wiltke expressed an opinion that people want to know how to prevent the slide and decline of services and education in Acton.

Elizabeth Golden stated she felt that the Town and Schools have been cutting budgets. She supports the Town and Schools in their efforts.

Nancy Tavernier said she was ready to accept the defeat of the Override and move forward. Unfortunately, the Town has begun to tear its self apart and she was concerned about that. Her concern is that we don't slash at the budgets at Town Meeting and said the Board is planning to present the B Budget as required by the defeat of the Override question.

She felt she is bound by the Vote to present the B Budget. Dore's position is if we have been instructed to go with B budget we shall proceed with B Budget. If Town Meeting gives the sense that another override question should be presented, the Board would review it, however, he feels it would be detrimental to next years vote.

Anne agreed with Dore' and Nancy, she attended the Coordinating Committee Meetings and found it became clear that they worked very hard to limit the override amount to the 1.55 million that was presented. If action were taken to reduce the amount of the original question it would appear that the original figure was inflated, even though it was not. She can see both sides, and it will make a big difference to her what Town Meeting decides.

Norm feels that the Override was 1.5 because it is what was needed to maintain the budgeted services. The defeat of the override means that we are now going to reduce our services as decided by the vote.

Bill said his duty is to take a long view approach. He felt the rules allowed "another swing at the ball" and he felt strongly that the override lost, but the rules say you can take another look at it and could be convinced to do that if that were the will of the voters. Nancy thanked all that attended for the informative and constructive mood of the meeting and urged this be continued at Town Meeting.

PUBLIC HEARINGS AND APPOINTMENTS

ACTON CHILDREN'S PLAYGROUND COMMITTEE

Elizabeth Golden and Cindy Berlied presented the plans for the Toddler Playground at Goward Field. They came before the Board for the board's approval of the completed project as planed and for acceptance of Phase I of the project. Bill Mullin asked about the insurance costs. Dean said that we have an Umbrella policy and no additional funds would be needed in that area. The Library trustees again asked about parking. They plan that the parking would be in the lower lot and that the playground would be utilized by those bringing their children to the library as part of an outing. They expect and encourage visitors to walk to the site also, and felt that the numbers this will attract will not negatively impact parking.

Nancy thanked the Committee for their gift to the Town and wished them luck in reaching their goal of completion.

DORE' HUNTER - Moved to approve the completed plan and accept Phase I. NORM LAKE - Second. UNANIMOUS VOTE.

SCOTT MOTOR'S - CLASS II - 866 MAIN STREET HEARING CONTINUATION FROM MARCH 30, 1993

The Board discussed Mr. Scott's request for a Class II License at 866 Main Street. After reviewing correspondence from staff the board decided that Mr. Scott could re-apply at a later date. DORE' HUNTER - Moved to deny Mr. Scott's request for a Class II Dealer's License at 866 Main Street and that he may reapply without prejudice at a later date. ANNE FANTON - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

DORE' HUNTER Moved to accept the consent calendar as printed. NORM LAKE - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

Eagle Court of Honor - Dore' offered to represent the Board at the April 28th Court of Honor for Andrew Mason.

Signal Warrant Study- Post Office Sq. - The Board discussed the consultant's report. Dore' said that the counts were done on the present volume; it will increase as the area gets closer to completion. Don asked the board for direction. He was asked to

go back to LMI and Smith to have them begin construction. Bill asked about a letter of credit from LMI to insure the completion of the project. Don said a letter of credit from LMI would be in order and Bill asked staff to secure it. DORE' HUNTER - Moved to direct installation of the Traffic Signals on terms, permitting, grants and to seek appropriate letter of credit to see that the project is completed. NORM LAKE - Second. UNANIMOUS VOTE.

Anne asked that the impact of a No Left Turn on the Common be studied as staff time permits.

Article 25 - Handicapped Van Spaces - The Planning Board has voted to recommend against adoption of this article due to the negative impact on small business. BILL MULLIN - Moved to take no action on this article at this time and to re-submit in the Fall after more study and review can be preformed. DORE' HUNTER - Second. UNANIMOUS VOTE.

Article 16 - After discussion with the Town Manager and Asst. Town Manager it was decided to wait and submit this article to a later Town Meeting if it were determined we needed to. DORE' HUNTER - Moved to take no action on article 16. ANNE FANTON - Second. UNANIMOUS VOTE.

Coordinating Committee Compromise - Nancy reviewed the draft she prepared with the Board. DORE' HUNTER - Moved to accept the draft on the table as modified by Nancy and the Board. ANNE FANTON - Second. UNANIMOUS VOTE. Norm urged the board to take a leadership position and the Board to take a stand. Staff was asked to forward a copy of the Compromise with changes to Bill Ryan and the Finance Committee.

Board of Health - Anne asked that the Board of Health be scheduled as soon as possible for their oversight meeting.

West Acton Library - Anne asked if plans have been formulated for the closure of the Library in advance of the July 1st date for a smooth transition.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 11:15 P.M.

Clerk	
Date	 <u>-</u> -

Christine Joyce Recording Secty. cmjW11-(376)

SELECTMEN'S MEETING APRIL 12, 1993 5/A/43

The Board of Selectmen held their Special pre-town meeting meeting on Monday, April 12, 1993, at 6:45 P.M.. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None

PUBLIC HEARINGS AND APPOINTMENTS

None

CONSENT CALENDAR

None

SELECTMEN'S CONCERNS

Budget Amendment (Supplemental Appropriations)

Bill Mullin asked about the deferral amount. Don said that if article 8 fails, they will need a different motion but we are also talking about laying over to another town meeting if Article 8 fails. This is another complication - the region has voted deferral.

The Board discussed whether to take a position on amendment: Norm said we could oppose it because of impact on another override next year.

Dore' suggested and it was agreed that we take no position. Nancy will explain that we put an override up and said we would support B Budget if it failed. However, the Board of Selectmen will listen to town meeting.

If article 8 fails, it was agreed that we'll pull out all monetary articles (9,10,11,12 & 17) amd move to continue the meeting until 4/26. If this motion fails, we'll go into 15 minute recess. If voters argue Article 8 breaks our pact with last town meeting, answer is "one town meeting can't obligate a future meeting.

If asked how we would restore any new money to the budget the board agreed according to the list as presented and this would be discussed again tomorrow night. Bill Mullin wanted to put W. Acton library in (change its place on the list). Anne disagreed saying decision was based on need to consolidate services and balance needs. we would just postpone the issue until next year's B budget.

Discussion of when to vote on override for supplemental budget; agreed to discuss on 4/27.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 7:20 to readjourn at the conclusion of this evenings Town Meeting. Returned at 8:30 due to difficulties in operation of sound system.

Anne Fanton moved to go into Executive Session - for the purposes of discussing litigation. Dore' Hunter - Second. Anne took roll call, all ayes.

Clerk	
Date	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(381)

EXECUTIVE SESSION April 12, 1993

FARM HILL SUBDIVISION

Mike Callaghan summarized the land court decision on Farm Hill Subdivision. The appeal period ends April 30, 1993.

Nancy said the Planning Board wants to appeal. Mike noted two cases of subdivision appeal.

The plan was approved subject to conditions. The conditions are source of complaint.

- 1. Widening of Great Road at intersection
- 2. Study for traffic signal

It is clear that the Town cannot require work on a state highway, it can only require funding of work. That part is not appealable.

- 3. Widening of Estabrook to new subdivision entrance can be requested and given by developer and he would pay for widening.
 - 4. No curb cuts along Great Road.

Court overruled both - shakiest part of Judge Sullivan's decision is widening of Estabrook. Curb cut part is unclear. State can say "no"; whether it can say don't go out Estabrook Road, not clear.

Zoning - Involves residential zoning of 16 acre parcel. R-8 as land adjacent to it down Estabrook. Is a question of context. Judge Sullivan has stressed that the parcel was the only one from Main Street to be residentially zoned except Midas Muffler. Not reason in view of way Great road has developed in last 30 years. Our argument is parcel is big. Can put houses on back. Can put affordable housing on site. Is a lot of business and apt. use on Great Road. Mike noted that Judge Sullivan had written a decision geared to survive an appeal. She found facts that would do that. She ignored housing, spc. permits, etc. stressed what parcel was next to.

Mike questioned the chance on appeal. He has general reluctance on power of courts to invalidate local zoning. Primarily local legislative matter. But are spot zoning cases in which court invalidates them. Mike's own sense - the issue that may attract attention of SJC is notion that a lot of town's would have had zoning done in late 40's, early 50's and are now rethinking whether zoning is appropriate under 90's conditions. Might make them (SJC) willing to go out of their way.

Mike said that on both questions it is always hard to quantify judgements on appeal. 50-50 chance.

What happens next re Subdivision approval, planning board approved subdivision plan protects for 8 years. If there was a real will to develop it it would already be underway. But is owned by trust. Family will probably fight about it after Mrs. Diduca dies. The Concern is regarding zoning - If we don't appeal, possible other landowners would see possible challenge. Consider limited business for this parcel. An alternative would be to propose Limited Business change at Fall Town Meeting.

The Board made no decision pending comments from Planning. Dore's idea is leaning toward filing appeal to hold it but not going forward. Will look at triggering zoning, e.g. rezone DiDuca and a few others to limited business r/t/ residential, and to wait to hear from Planning Board about what else would have to be changed plus what are the impacts we might have to go to court for next challenge. Board of Selectmen's decision will have to be made on 4/26 or 4/27 before Town Meeting.

Board adjourned at 9:30 P.M.

Clerk	<u> </u>	 	
Date		 	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(381)

5/11/93

SELECTMEN'S MEETING APRIL 26, 1993

The Board of Selectmen held a Special pre-town meeting meeting on Monday, April 26, 1993, at 6:45 P.M.. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None

PUBLIC HEARINGS AND APPOINTMENTS

None

CONSENT CALENDAR

None

SELECTMEN'S CONCERNS

PROCLAMATION - Nancy presented the Salvation Army's request to declare 5/10-16 as Salvation Army Week. NORM LAKE - Moved to Proclaim May 10-16 as Salvation Army Week. DORE' HUNTER - Second. UNANIMOUS VOTE.

BUDGET AMENDMENT (SUPPLEMENTAL APPROPRIATIONS) Nancy spoke about the decision made previous on the board "Taking No Position" on the amendment and asked for confirmation of that decision. Nancy read her draft statement for the Board explaining "no position" and all agreed with it. Individual members will decide how to vote individually.

Nancy read draft statement about B Budget cuts. Dore' pointed out we should add a statement about wage settlements. All agreed.

Question may come up about when we'll take position on override. It was decided to discuss it on May 11 and to begin the meeting at 7:00 to accommodate the anticipated crowd since we have two site plans. Comments can be made only if new information and will urge voters to send comments in writing.

GARDEN CLUB SIGN - ANNE FANTON - Moved to approve the request to place a sandwich sign on the common area between the library and town hall.. NORM LAKE - Second. UNANIMOUS VOTE

CULTURAL COUNCIL ISSUE- It was agreed to wait until Fall town meeting with ballot question in Spring if no Fall Meeting is planned.

RETIREMENT - Nancy noted receipt of Mary Larson's retirement letter.

CONGRESS MEEHEN - The Board is invited to a meeting on May 8 at Town Hall. Nancy will attend. Dore' will if in town. Anne will be unavailable.

SCHOOL MANDATE LETTER - Nancy cited the Norfolk case. Town lost case against mandate to close their landfill. Don said the real issue is that schools's are not subject to mandate law. DORE' HUNTER - moved to sign it in the interest of goodwill. NORM LAKE- Second. UNANIMOUS VOTE.

(10)

PLANNING BOARD'S MAPLE HURST FARM SUBDIVISION * PCRC. There is a question as to whether Town would want to own common land. Anne reported on her conversation with Roland today. DORE' HUNTER MOVED- To indicate the Town's interest in owning land only if it is a parcel in front of sufficient size to be used as a soccer field. We would not be interested in owning land in back. NORM LAKE - Second. 4-1 Bill abstained as interested party (an abutter to an abutter).

TOWN MANAGER'S CONCERNS

None

EXECUTIVE SESSION

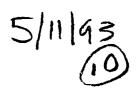
Anne Fanton moved to go into Executive Session - for the purposes of discussing litigation. Dore' Hunter - Second. Anne took roll call, all ayes.

The Board adjourned at 7:15.

Clerk	 	
Date	 	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(384)

EXECUTIVE SESSION April 26, 1993



FARM HILL SUBDIVISION

The Board discussed whether to file an appeal on the DiDuca decision. DORE' HUNTER - Moved to file an appeal to buy us time to discuss the issue further. NORM LAKE - SECOND. UNANIMOUS VOTE.

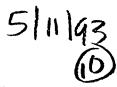
The board will discuss this further with the Planning Board at the May 4th meeting in an joint executive session.

Board adjourned at 7:15 P.M.

Clerk	 	
Date	 ·	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(384)

SELECTMEN'S MEETING APRIL 27, 1993



The Board of Selectmen held a Special pre-town meeting meeting on Monday, April 27, 1993, at 6:45 P.M.. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

None

PUBLIC HEARINGS AND APPOINTMENTS

None

CONSENT CALENDAR

None

SELECTMEN'S CONCERNS

Anne Fanton asked what cut would be made if Article 17 W. Acton Library) passes. Dore' suggested Free Cash. Anne said we should go to priority list and look at next place to cut. Bill asked about Free Cash. \$30,000 in free cash, but the only problem is that they are going to say is more valuable than a traffic signal, for example. If it passes, could adjust list. Agreed we Could make such an adjustment later if we have to. Nancy said it important that people not think we can find money. Dore' said if it passes, we should notify trustees when we discuss what to do.

CHEZ CLAUDE - One Day Liquor License Request Approved for Mother's Day.

SPECIAL MEETING - It was agreed to hold a special meeting on May 4, 1993 at 7:30 to make a decision on Override and placing question on ballot with a possible June 8 date.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 7:15.

Clerk	
Date	

Anne Fanton
Clerk, Board of Selectmen
cmjW11-(384)

SELECTMEN'S MEETING MAY 4, 1993

The Board of Selectmen held their regular meeting on Tuesday, May 4, 1993. Present were Nancy Tavernier, Dore' Hunter, Norm Lake, Anne Fanton, William Mullin, and Town Manager Johnson

CITIZENS' CONCERNS

NONE EXPRESS

PUBLIC HEARINGS AND APPOINTMENTS

SPECIAL ELECTION DISCUSSION

Chairman Tavernier noted that there were no representatives from the Finance Committee or School Committee present to offer their input into the decision.

Jeff McHarg, 4 Foster Street thanked all the people who attended Town Meeting to voice their opinions. He urged the Board to call for a second override vote to give the residents an opportunity to vote on a lower amount. He suggested two avenues that he felt the Board should examine. First, a work re-bate program so that taxpayers could work in the schools and town offices for a reduction in taxes. Second, to file two home rule petitions to allow residents to refine the law, allow multiple year budgets, etc. He asked the people who were engaged in Town Meeting to stay involved with Town affairs.

Charles Kadlec - He questioned two items on the B Budget Priority list. He wanted to have more information on the traffic signal and computer study. Nancy suggested that he remain after this discussion as the Board would be addressing this later in the evening.

John Kuda - Urged the selectmen not to vote for the override reconsideration. He felt morally we should all accept the first No vote.

Gorden Cash - He spoke about he right to vote and urged the selectmen not to place the question back on the ballot.

Ray Bintliff - He urged the Board to be courageous and to uphold the vote already taken. He felt we were close to setting a dangerous precedent by revisiting the question.

Carol Place - felt this vote was a not the same question. It was a lower amount and therefore, a different question. She urged the Board to vote to put the new question on the ballot..

Lynn Courtney Knights - Urged in favor of the new question.

John ____ felt this would polarize the town and urged the Selectmen not to yield to this organized group that is sponsoring the new question.

Evelyn Oschefski - She spoke about people not having the choice on the original vote of choosing a smaller amount and felt to offer a lesser amount would be a good idea. She urged the Board to place it on the ballot.

Charles Kadlec - He stated that while it would be a surprise to everyone, he feels it should be put on the ballot. Town Meeting has sent a message and the Board is obliged to carry out the action of putting a lower amount on the ballot.

Nora Russell - felt we have a voice and that the Board should support the views of Town Meeting and place it on the ballot. She also urged everyone to stay involved in Town affairs.

Nancy Tavernier - the 1.55 failed, the town went to the Town Meeting with a B budget. The group was formed to present a new figure to Town Meeting. The contingency vote was taken and now action have to take place within 45 days.

Dore' Hunter - Further expanded on Nancy's comments and explained the mechanics of the amount of the override. He felt we need to address the sense of the Town Meeting to reconsider. He said we should honor what Town Meeting has said, and would vote to place it on the ballot.

Norm Lake - Agreed with Dore'. He felt we should support Special election.

Anne Fanton - She found it very difficult to support a second override opportunity. However, based on the hours of time it takes to understand the budget process from the beginning at Coordinating Committee to presentation, she felt she could support the reconsideration. The process was even more difficult this year. She was willing to accept the lower amount of 687,000. for the ballot question.

Bill Mullin - He felt the issue needed to be better defined. He felt that it was his opinion that Proposition 2 1/2 is a crazy law. It needs to be revisited. He feels the Board has an obligation to place the question on the Ballot.

DORE' HUNTER - Moved to place the question on the Ballot mirroring the \$687,000 contingent appropriation and call a special election for June 8, 1993. NORM LAKE - Second. Unanimous Vote.

CONSENT CALENDAR

NORM LAKE - Moved to accept the consent calendar as printed.
NANCY TAVERNIER - Second. UNANIMOUS VOTE

SELECTMEN'S CONCERNS

Board Reorganization - NANCY TAVERNIER - Moved to appoint Dore' Hunter as Chairman - NORM LAKE - Second. UNANIMOUS VOTE.

DORE' HUNTER - Moved to appoint Anne Fanton, Vice-Chairman. NORM LAKE - Second. UNANIMOUS VOTE

DORE' HUNTER - Moved Bill Mullin as Clerk - NORM LAKE - Second. UNANIMOUS VOTE.

Selectmen's Policies - Dore' spoke about the five memo's he has written regarding, Line Item Budget, Commenting on School Issues, Revision of Coordinating Committee, Standard Warrant articles to appear after School Budget, and removal of "How Great we Are" speeches. He has asked staff to distribute to all concerned.

B+ Budget - Dore' discussed the process to restore cuts should the ballot question pass. He suggested the Computer Study be placed in line to assure collection level.

Charlie Kadlec asked about collection amounts. He stated he is not fond of studies. The Board explained that the Finance Committee has requested that a study be done to support the \$750,00 amount requested for the program. Janet Murphy asked if it would be bonded. John Murray explained that some of the costs would be. John and Don Johnson made a presentation supporting the need for the computer article. They outlined the collection numbers and affects on the budget and taxes. Charlie said that they should just put it on the warrant and not do the study. It is apparent the number is good if what is presented is correct, and to spend \$50,000 on a study is wrong.

Anne Fanton discussed the prioritizing of items 12 and 17 and asked to have sidewalks left off the list at this time.

Norm Lake said he wanted the sidewalk appropriation maintained.

Bill Mullin said he would concur with Anne on the sidewalks.

Don Johnson said that the sidewalks were included because the Board had indicated priority for sidewalks in the past. Don asked that item 20 be retained on the list even though we had gotten monies from the Soccer League. The money in item 20 would be for other duties performed by the Municipal Properties. NANCY TAVERNIER - Moved to add Items 12 and 17 in place of Item 18 and 19 in that order on the list of priorities. ANN FANTON- Second. UNANIMOUS VOTE

The Board discussed coming back to revisit the list at the next meeting. The list should have an explanation with each item to better describe each item.

TOWN MANAGER'S CONCERNS

None

The Board adjourned at 10:15 P.M.

Clerk	 	
Date	 	

Christine Joyce Recording Secty. cmjW11-(390)

April 28, 1993

TO:

Board of Selectmen

FROM:

NANCY TAVERNIER, Chairman

SUBJECT: SEL

SELECTMEN'S REPORT

AGENDA

ROOM 204

7:30 P.M.

May 4, 1993

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:30 SPECIAL ELECTION DISCUSSION - Enclosed please find guidelines and printed materials relative to scheduling a Special Election.

III. CONSENT AGENDA

- 2. Accept Minutes March 30, 1993- Enclosed please find Minutes for Board approval.
- 3. Eagle Scout Court of Honor Enclosed please find a three invitations to a Courts of Honor on May 16, May 23, and May 25th for Board assignment.
- 4. ACCEPT GIFT Enclosed please find a request to accept a \$10.00 donation to the Civil Defense Agency for Board action.
- IV. SELECTMEN'S CONCERNS
- 5. BOARD REORGANIZATION
- V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

VII. MEETINGS - Marty Meehen, May 8, 1993 at 10:00 - Town Hall - Would like to meet with Board members prior to his "Town Meeting" if anyone is available.

VIII. ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

IX. FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

MAY 11, 1993 - Mobil Oil Site Plan 204 Main Street Suburban Manor Site Plan, 1 Great Road Planning Board - Discussion Farm Hill

790 acs

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

CC:805

MAY - 3 1923

March 25, 1993

TO:

Donna Jacobs, Assistant Planner

FROM:

Dean A. Charter, Municipal Properties Director

SUBJECT:

Review of Maple Hurst Farm P.C.R.C

I have reviewed the plans submitted for the above mentioned P.C.R.C, but I have been unable to perform a proper inspection of the site due to the heavy snow pack. When the snow melts, and hopefully this will be before the Public Hearing, I will walk the site and forward additional comments, if any.

LANDSCAPING ISSUES:

The plans as submitted do not show proper Street Tree Planting, as required, and the plans will have to be modified prior to approval to show the proposed installation of eight foot high trees, of an acceptable species, every fifty feet along all roads being built to Subdivision Standards. If the developer feels that sufficient trees can be protected during construction, the final placement of these trees can be deferred until after completion of the roadway, but a bond of \$250.00 per tree should be posted. The plantings that are shown on the landscape plans are not acceptable in that they apparently are trying to show Gray Dogwood, which is a shrub, as trees, and there is no information shown as to the proposed size of the plants at the time of installation, so the developer could install six inch seedlings and still be in compliance with the plans. Finally, I would suggest that if the developer is showing "existing woods to remain", those limits of clearing should be respected during construction.

A proper landscaping plan should be submitted before this process advances much further.

OPEN SPACE ISSUES:

The submittal is a little unclear as to the final disposition of the open space parcel, noted as "Parcel A". I am very much in favor of having this land deeded over to the Town as conservation and recreation land.

This proposed Subdivision is within a half mile radius of several large subdivisions, such as Forest Glen, Flagg Hill, and Juniper Ridge, as well as several smaller residential areas such as Autumn Lane, Kingman Drive, and Winter Street. I estimate that there are over four hundred homes within easy walking distance of Maple Hurst, and this area is under served by recreational facilities. The open field will provide approximately two acres of flat, open land that is outside of the forty foot wetlands buffer,

which would easily accommodate a recreation field the size of a soccer field and related off street parking, of similar size as usage pattern as the Woodlawn Field off Concord Road. It has been well documented that Acton is well below the national norm in active recreational areas (Acton Master Plan pg. 218). We have also received several offers from the Soccer League to help fund development and maintenance of a field that would be available for play during the spring and fall seasons. There is an opportunity here to develop a much needed recreational facility at very little cost to the Town, but the land should be properly deeded so that we are not met with unreasonable restrictions. I would be happy to meet with the developer to work out some of the details of such a use of the open field.

The balance of Parcel A, due to steep grades and wetlands, would probably be managed in a fashion similar to other conservation areas, with signage and trails, but probably not much more in the way of "Active Uses".

DAC/290

TOWN OF ACTON POLICE DEPARTMENT INTER-DEPARTMENTAL COMMUNICATION

Mr. John Murray A.T.M.

DATE: May 5, 1993

Detective Todd D. Fenniman

Hate Crime Incident - Acton Boxborough Regional High School

Between the hours of 7:00 AM and 8:00 AM on May 5, 1993, the Staff at the Acton Boxborough Regional High School were made aware of the following statement spray painted in a parking space in the upper lot of the High School: "Pack Up" with a Star of David underneath. The painting was viewed by several Jewish students and one Jewish faculty member who found it to be hateful and anti-semitic in its intent. Vice-Principal George Frost notified this officer shortly thereafter at which time I responded, took preliminary information, photographs of the scene, and paint samples for analysis. One student recalled seeing the painting yesterday afternoon but this has not been confirmed.

Upon my return to the police station I made procedural notifications to the Chief of Police, Town Managers Office, Acton Human Rights Council and to Rabbi Lewis Mintz of Temple Beth Elohim. An appointment has been set for today for Rabbi Mintz to view the area and symbols for further opinion.

A press release was prepared and the local newspaper contacted. Preliminary investigative steps were started.

After consultation with the School Administration and students, it appears at this time that the painting was a random incident. No one particular person parks in this space everyday. The area in the upper lot is nothing more than where students park i.e. no organized meetings or groups congregate in the area. There have been no other incidents which preceded this one nor any indications that this type of activity would be occurring.

On the dates April 27 and 28, a junior by the name of Mark Naparstek made a presentation to the school entitled "March of the Living" relative to the Holocaust and Concentration Camps. There were no anti-semitic incidents or discussions that the school was aware of as a result of this presentation prior to today's discovery. It is unknown at this time if this particular painting is related to Mr. Naparstek's speech.

At 12:15 PM this date Rabbi Lewis Mintz and this officer viewed the symbol and the words. Rabbi Mintz was content with the Police Department's and School's response to this matter. He stated that he would contact the Anti-Defamation League to research

TOWN OF ACTON POLICE DEPARTMENT INTER-DEPARTMENTAL COMMUNICATION

whether these words have a particular meaning and any other significance.

At 1:45 PM I received information from an informant that several students were spray painting the phrase "Pack up" on the ground in reference to "packing up a bowl of marijuana" i.e. preparing a pipe to be smoked. After completing this another unknown student took the black paint and painted the Star of David. It appears from this information the original intent of the message was not anti-semitic but the unknown party who drew the star may have felt different. This information will be further investigated so as to possibly ascertain names or witnesses and/or suspects.

A copy of the press release is attached to this memo.

PRESS RELEASE - FOR IMMEDIATE RELEASE

On the afternoon of May 4, 1993 at the Acton Boxborough Regional High School, an anti-semitic phrase was discovered spray painted into a parking space of the upper parking lot. Painted in bold letters was the following statement, "Pack Up" followed by a six point star. The letters were written with a silver color paint and then outlined with black paint. The star was also painted in black. The painting was brought to the attention of the High School Administration on the morning of May 5, 1993 who in turn contacted the Detective Division and Human Rights Unit of the Acton Police Department. Appropriate notifications were also made to the Rabbi Lewis Mintz of the Temple Beth Elohim, Acton Human Rights Council, Chief of Police and Town Manager.

The area was photographed, statements taken, and evidence from the crime scene was seized. An immediate investigation was undertaken. There are currently

no suspects.

Racially and religiously motivated incidents such as these are a particularly insidious form of behavior. Because of the fear and hurt generated by these incidents, whole communities are victimized. An act which, compared to other crimes, may be seen as minor to the community at large, can send powerful shock waves throughout the minority or religious community to which it was directed. These acts create and aura of danger and hurt, and serve as compelling reminders to minority citizens and religious communities alike that their community, neighborhoods, and schools are all subject to non-diverse opinions and attitudes. Treating incidents such as this one as serious crimes sends a message to the community that this law enforcement agency will protect them and will play a pivotal role in preventing further hate activity.

The Acton Board of Selectmen in December of 1992 created the position of Human Rights Officer to act as a liaison to the community and diverse groups and to undertake intensive investigations into hate crimes as they occur. Det. Todd Fenniman has received training from the Boston Police Community Disorders Unit and the Middlesex County District Attorney's Office in the area of Human Rights and Hate Crimes. He has additionally participated in seminars relating to the area of Civil Rights and most recently attended a Civil Rights conference sponsored by the Medford Police Department in response to civil rights violations and hate crimes which occurred at their High School. His expertise and assistance was offered to the Acton Boxborough Regional High School for their use in further educating the school community in the area of diversity and acceptance.

The Acton Board of Selectmen assure that this case will be treated with the utmost priority and sensitivity in the hopes of locating and prosecuting those responsible and to further deter acts such as these from occurring again. This incident appears to be one of many similar unacceptable occurrences from towns

and cities throughout the Commonwealth of Massachusetts.

Any questions or inquiries may be referred to Det. Raymond P. Grey or Det. Todd D. Fenniman at the Acton Police Department (508) 264-9640 or the Town Manager's Office at the Acton Town Hall (508) 264-9612.

To Jennifer	From 1000 Fenning
co. Beccon	co. A. P. D.
Dept.	Phone # 264-9640
Fax# 264-9396	Fax# 262-25701



METROPOLITAN BOSTON
HOSPITAL COUNCIL

affiliated with massachusetts hospital association
5 New England Executive Park
Burlington, MA 01803

(617) 272-8000

MAY - 3 1933

MEM<u>ORA</u>NDUM

TO: Mayors and Chairs of Board of Selectmen, EMS Region IV Communities

FROM: Carol Weinrib, Chair

Nominating Committee

Metropolitan Boston Emergency Medical Services Council

RE: Extended Deadline for Council Member Nominations

DATE: April 29, 1993

In my April 7, 1993 memorandum to you, I invited you to nominate a candidate or candidates for membership on the Regional Emergency Medical Services Advisory Council. In light of several recent inquiries, we have decided to extend the open period for nominations beyond our previous deadline of April 30, 1993 to May 7, 1993.

If you know of someone who you think will be an asset to the Council, I encourage you to nominate them for membership. My memorandum of April 7, 1993 (attached) describes the manner by which you may accomplish this.

Should you wish to learn more about the Council, please do not hesitate to contact it's Executive Director, William J. Schneiderman, at 617/272-8000, Extension 158.

CW/ip (cned)

Attachment



METROPOLITAN BOSTON HOSPITAL COUNCIL

AFFILIATED WITH MASSACHUSETTS HOSPITAL ASSOCIATION
5 New England Executive Park
Burlington, MA 01803

(617) 272-8000

MEMORAND-UM

TO: Mayors and Chairs of Board of Selectmen, EMS Region IV Communities

FROM: Carol Weinrib, Chair

Nominating Committee

Metropolitan Boston Emergency Medical Services Council

RE: Call for Council Member Nominations

DATE: April 7, 1993

I am pleased to announce our annual call for nomination of candidates for membership of the Regional Emergency Medical Services Advisory Council. Nominations will be accepted through April 30, 1993.

As background, the Metropolitan Boston Emergency Medical Services Council is one of five state-designated Regional Emergency Medical Services Councils in the Commonwealth of Massachusetts. The primary mission of the Council is to reduce the effects of acute injury and illness by encouraging the development of, and fostering, systems of care, furthering public and professional education, and encouraging research in emergency medical services. The Council's service area encompasses sixty-two eastern Massachusetts cities and towns (EMS Region IV). Two million forty-three thousand individuals reside in the Region, and more than one million patients seek emergency care annually in the Region's acute care hospitals.

The Regional Emergency Medical Services Advisory Council is the policy making body of the Metropolitan Boston Emergency Medical Services Council, and is comprised of thirty-five members from the Metropolitan Boston hospital, pre-hospital, public health, public safety, and lay communities; at least one member of the Council is a member of the Massachusetts Senate or House of Representatives. The Council meets quarterly at the Massachusetts Hospital Association in Burlington.

Membership on the Regional Emergency Medical Services Advisory Council is open to individuals who reside in Metropolitan Boston, and individuals who are affiliated with public health and safety organizations based in Metropolitan Boston. We would especially welcome candidates for membership who represent the racial and ethnic diversity of the Region. Positions are currently available in the following membership categories: Physician, Surgeon, Hospital Administrator, Emergency Nurse, Consumer, Law Enforcement Representative, Licensed Ambulance Service Representative, State Senator or Representative, and Local Government Representative.

A committee has been convened for the sole purpose of receiving nominations and preparing a slate for consideration by the Regional Emergency Medical Services Advisory Council. In addition to nominating individuals for membership on the Council, the committee will nominate individuals to serve as Chair of the Trauma Systems and Clinical Operations Committees, and accordingly welcomes nominations for these leadership positions on the Council (a summary of committee functions is attached).

Nominations for membership will be accepted from individuals who have a thorough knowledge of the person whom they choose to nominate. Nominations must include:

- o The name, address, and telephone number of the Nominator and Nominee (an individual may nominate him/herself).
- o A statement of the nominees qualifications and description of the attributes that the nominee will bring to the Council.
- o A statement by the nominee acknowledging acceptance of the nomination.

I urge you to participate in this process by identifying and nominating a candidate or candidates for membership on the Council. Please forward nominations to:

William J. Schneiderman
Executive Director
Metropolitan Boston Emergency Medical Services Council
5 New England Executive Park
Burlington, MA 01803

Individuals seeking additional information on the Council, or this process should contact Mr. Schneiderman at 617/272-8000, Extension 158.

CW/ip: cfn93 Enclosure

Distribution:

Emergency Department Directors, EMS Region IV Acute Care Hospitals Chiefs of Surgery, EMS Region IV Acute Care Hospitals Chief Executive Officers, EMS Region IV Acute Care Hospitals Emergency Department Nurse Managers, EMS Region IV Acute Care Hospitals

Chiefs of Police, EMS Region IV Police Departments
Chief Executive Officers, EMS Region IV Licensed Ambulance Services
State Senators and Representatives, EMS Region IV Communities
Members, Regional Emergency Medical Services Advisory Council
and Committees

Other Interested Parties

FUNCTIONS

Executive Committee

Budget
Governance
Oversight of Executive Director
Goal Setting
Appoint Nominating Committee
Medical Director Appointment

REMSAC

System and Policy Issues Operational Oversight Grants Development Government Relations Evaluation

Medical Control Committee

Medical Policy
Quality Assurance
Clinical Standards
System Performance Standards
Professional Education
Emergency Department Categorization
Evaluation

rauma Systems Committee

Trauma System Policy
Designation of Trauma Centers
Clinical Standards
Quality Assurance
System Performance Standards
Professional Education
Evaluation

Pre-Hospital System Coordination Committee

EMS Communications
Pre-Hospital Operational (Non-Medical) Policy Development and Planning
Inter-Agency Coordination
Disaster Network Coordination
Evaluation

Public Education and Access Committee

Issues Related to Access
Lay Training
Evaluation

Hospital Clinical Operations Committee

Emergency Department Policy Development and Implementation Professional Education Evaluation

/ip: rmccn (1/24/92)

Membership Category	Member's Name/Affiliation	Term Expires
Consortium Coordinator/ Representative	Anthony Fucaloro South Middlesex Emergency Medical Services Consortium	June 1994
Physician	Andrew Geller, M.D., FACEP Norwood Hospital	June 1995
Hospital Administrator	Ellen Greenblatt Beth Israel Hospital	June 1994
Consumer	F. James Kauffman State Fire Marshal	June 1993
Fire Service Representative	Chief Robert Koning Carlisle Fire Department	June 1994
Consumer	Ilana Lescohier, Ph.D. Harvard Injury Control Center Harvard School of Public Health	June 1995
Hospital Administrator	Leslie Luppold Emerson Hospital	June 1993
State Representative or Senator	Representative John McDonough House of Representatives	June 1993
Licensed Ambulance Service Representative	William McIntosh Chaulk Ambulance Service	June 1993
Physician	Peter Moyer, M.D., FACEP Boston City Hospital	June 1993
Emergency Nurse	Marilyn Shea, R.N. New England Medical Center	June 1993
Physician	Steven Silverstein, MD, FACEP Newton-Wellesley Hospital	June 1995
Allied Health Care Representative	Janet Spellman, R.N., REMT-P Northeastern University	June 1994
Law Enforcement Representative	Sergeant David Thompson Massachusetts State Police	June 1993
Emergency Medical Technician	Mary Jane Trebino, R.N., REMT-P Boston Med Flight	June 1994

Membership Category	Member's Name/Affiliation	Term Expires
Licensed Ambulance Service Representative	Bruce Wallace Armstrong Ambulance Service	June 1994
Physician	Mark Weinstein, M.D. Beth Israel Hospital	June 1995
At-Large	Alan Woodward, M.D., FACEP Emerson Hospital	June 1994
Emergency Nurse	VACANT	
Licensed Ambulance Service Representative	VACANT	

/ip: cneda (4/29/93)

REGIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

Membership Category	Member's Name/Affiliation	Term Expires
Hospital Administrator	Stephen Kauffman Massachusetts General Hospital	June 1993
Medical Director	Gary Setnik, M.D., FACEP Mount Auburn Hospital	
Managed Care Representative	Bruce Alexander Harvard Community Health Plan	June 1995
Hospital Administrator	Richard Aubut South Shore Hospital	June 1994
Hospital Administrator	David Balkcom St. Elizabeth's Hospital	June 1993
Consortium Coordinator/ epresentative	Janis Bernard Emerson Hospital	June 1995
Consortium Coordinator/ Representative	Gregory Betts Southwest Suburban Emergency Medical System, Inc.	June 1995
Consortium Coordinator/ Representative	Peggy Cass South Suburban Emergency Medical Services Consortium	June 1995
Surgeon	Alasdair Conn, M.D., FACS Massachusetts General Hospital	June 1993
Consortium Coordinator/ Representative	Pamela Corradino Lahey Clinic Medical Center	June 1994
Local Government Representative	Edna English Selectmen's Office Town of Hingham	June 1993
At-Large	Michael Erdos, M.D., FACEP Lahey Clinic Medical Center	June 1994
Consortium Coordinator/ Representative	Gary Fleisher, M.D., FACEP Children's Hospital	June 1995

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

April 28, 1993

APR 3 0 1933

Mr. George Marcou, AICP Deputy Executive Director American Planning Association 1776 Massachusetts Avenue, N.W. Washington, DC 20036

REGARDING: Possible Amicus Curiae in DiDuca v. Town of Acton & DiDuca v. Planning Board of the Town of Acton.

Dear Mr. Marcou:

Thank you for your time advising me about the services APA can offer to the Town of Acton in the above referenced cases. For your review and the review of the Amicus Curiae Committee I enclose the decision of the Land Court, the post-trial briefs by both parties, and zoning maps in effect before and after the disputed zoning change. I also enclose a blow-up of the locus area showing zoning districts (before and after) and general land use categories as in existence today.

The decision is issued by a lower court and it appears to limit its view on the locus and its immediate surroundings. Both of these aspects may help curb its significance for other planning and zoning matters. Nevertheless, as a planner I am very concerned that this decision may have serious consequences for the practice of good planning and zoning at the local government level. It is in part the deliberate choice by the court to limit its view on just the parcel in question and to dismiss all comprehensive planning arguments which supported the zoning change, that I find so troublesome. While the matters and problems touched upon in this case may have different legal aspects and solutions in other states, the court's decision should at least be of great concern to planners in Massachusetts.

In the zoning case, the ruling hold or implies among other things:

1) A zoning change in 1990 from "general business" to "single family residential" of a substantially vacant parcel along a mixed use corridor (+500 feet on both sides of state route) is an invalid exercise of the Town's zoning powers even though the land affected by the change is contiguous (and held in common ownership) with residentially zoned land in the rear of the corridor. The corridor contains, scattered throughout its length, some single family dwellings, some duplexes, numerous multifamily dwellings ("1600 units), small to medium sized businesses as well as vacant parcels having various sizes and various levels for development potential. All land in the corridor has been zoned for general business uses since the

adoption of zoning until the 1990 zoning change. All land in the rear of the corridor has been zoned for single family residential uses since the adoption of zoning and is still zoned that way today. The overturned zoning change was adopted as part of a series of zoning changes developed under a town wide master plan and designed to a) maintain the corridor's mixed use character, b) to control the progression into an exclusive commercial strip, and c) to better manage the traffic and transportation aspects of the corridor as a whole in a safer and more cost effective manner. Several other vacant parcels in the corridor were also rezoned to "single family residential", but the challenge and the court's ruling were limited to only one parcel. Other zoning changes adopted in 1990 and affecting directly the corridor include the establishment of a multifamily district in some areas, a reduction of the build-out potential of the land remaining in a business zone, transfer of development rights away from the corridor to designated growth centers, and affordable housing incentives.

- Traffic and transportation considerations, i.e. the reduction of future traffic growth in the corridor and the postponement of future expensive roadway improvements that will be needed to accommodate local and regional traffic growth, are not necessarily valid objectives to justify zoning changes. Traffic counts show current volumes in the vicinity of 20000 vehicles per day, build-out volumes are projected at about 40000 vehicles per day. If the site is developed under the "general business" zoning, it could generate several thousand daily trip of its own.
- 3) A particular zoning change affecting one particular parcel viewed by itself must, with respect to that parcel alone, have a substantial relationship to the legitimate objectives of zoning. A more limited contribution made by a zoning change in one location as part of an overall corridor planning strategy, and in fact as part of a Town wide zoning strategy coming out of a comprehensive master plan, is not a sufficient reason to justify the zoning change at that one location. Note also, that the court did not accept facts which indicate that the zoning change on the parcel in question actually yielded one of the most significant contributions towards stated planning objectives.
- 4) A City or Town, when adopting zoning changes, has a much greater burden in showing substantial relation to the public health, safety, morals and general welfare than when originally adopting zoning. In light of the fact that the overturned zoning change was based on a comprehensive plan, the burden now appears excessively great. Municipalities within their normal means for sound comprehensive planning, will have difficulty making their case, thus locking in outdated zoning decisions and preventing municipalities to adapt to changing conditions and needs.

In the subdivision case, the most important aspect of interest to planners is the following:

In 1981 the Massachusetts Supreme Judicial Court held in North Landers Corp. v. Planning Board of Falmouth that a Planning Board may consider factors such as the safety, accessibility or increased traffic on ways adjacent to a subdivision, and further that "the conditions of adjacent public ways must be considered in the board's deliberations" in deciding

whether to approve a definitive subdivision plan. Unfortunately, the court in 1981 failed to clarify whether its ruling in North Landers also authorized a Planning Board to require specific improvements in adjacent ways where deemed necessary. DiDuca v. Planning Board of Acton raised this question very specifically. What for most planners would appear as a natural extension of North Landers, was denied by the Land Court in its ruling against the Town of Acton. Municipalities in Massachusetts have no clear authority to impose impact fees to raise private funds for improvements in public ways which are necessitated by private development activities. The ruling denies any possibility to achieve such improvements under the subdivision control powers.

The Board of Selectmen, Acton's chief elected officials, have voted to file an appeal in both rulings prior to the April 30 deadline. However, this action merely reflects the need for more time to make a final decision on whether to follow through with an appeal or not. I will notify you as soon as I know what this final decision will be. In the meantime please accept the enclosed materials. I sincerely hope that the APA Amicus Curiae Committee will find the matters which are at stake in this case to be worth its time and effort and that, in the event Acton will pursue an appeal, it will choose to support Acton's position for the benefit of worhty planning objectives everywhere.

Sincerely,

Roland Bartl Town Planner

cc: Don P. Johnson, Town Manager

and Barle

Larry Koff, Director NECAPA - Massachusetts Section

Planning Board

David Soule, Metropolitan Area Planning Council

[RHB.ZONE.93*15]



ACTON PUBLIC SCHOOLS • ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

16 Charter Road • Acton, MA 01720-2995 • (508) 264-4700 • FAX (508) 263-8409

ce:Bas

OFFICE OF THE SUPERINTENDENT

April 29, 1993

William L. Ryan
Interim Superintendent of Schools

Mr. Jeffrey J. Siena Loss Control Manager M.I.I.A. 60 Temple Place Boston, MA 02111

APR an 1 3

Dear Mr. Siena:

Enclosed is a copy of the letter sent to you on October 21, 1992 detailing the Acton Public School response to the safety recommendations mentioned in your letter of April 7, 1993:

Sincerely,

William L. Ryan

Interim Superintendent of Schools

William L. &

WLR/k

Enc.

CC

Acton Public School Committee
Acton Board of Selectmen ✓

Don Johnson Steve Desy Peter Beanland

Stan Corcoran, M.I.I.A.

Richard Coughlin, Hastings-Tapley Services

OFFICE OF THE SUPERINTENDENT William L. Ryan Interim Superintendent of Schools

October 21, 1992

Mr. Jeffrey J. Siena, Loss Control Manager MIIA 60 Temple Place Boston, MA 02111

Dear Mr. Siena:

In response to your May 15, 1992 letter to Mr. Dean Charter I apologize for the delay in replying to the recommendations on the school buildings. The following is the status of your recommendations:

Blanchard Auditorium

1. 91-8-1 The fire extinguisher by the alarm box in the vicinity of the basement stairs is missing. This unit should be replaced as soon as possible.

COMPLETE

2. 91-8-2 Serious consideration should be given to upgrading the fire detection and alarm system to include smoke detectors throughout the building.

IN PROCESS

McCarthy-Towne

3. 91-8-3 Consideration should be given to the installation of a water level alarm above the boiler room floor. This unit should be set to trip before the water level on the floor reaches a sufficient height to cause damage to the boiler and machinery in the room.

IN PROCESS

4. 91-8-4 The second floor storage room behind the stage in the Towne section of the building is cluttered. The fire exit from the room is blocked. Storage should be reorganized so that exit doors are not blocked.

COMPLETE

October 21, 1992

5. 91-8-5 The box of chemicals stored in the sprinkler control valve closet should be removed.

COMPLETE

6 91-8-6 The janitor's closet on the first floor which contains the automatic sprinkler control valve, is in need of housekeeping attention, especially around the valve itself.

COMPLETE

Merriam School

7. 91-8-7 Broken floor tiles in the hallway areas should be repaired or replaced.

COMPLETE

8. 91-8-8 The exposed concrete footing on the three-leg swing should be buried and a minimum of 6-12 inches of cushioning material such as sand, peastone or pine bark mulch should be spread around the entire landing area of the swing.

COMPLETE

9. 91-8-9 The exposed concrete footings on the big swing set should be buried and the area around and under the swings covered by 6-12 inches of a cushioning material such as sand, peastone or pine bark mulch.

š.

COMPLETE

Gates School

10. 91-8-10 Additional peastone is needed in the playground area. At the time of survey, several areas had stone less than 6-12 inches deep. A minimum of 6 inches should be maintained under equipment. six-twelve inches provides superior cushioning.

COMPLETE

11. 91-8-11 Sand under the jungle gym should be maintained at a minimum of 6-12 inches. At time of survey, there were several areas with less than the above amount.

COMPLETE

Douglas School

12. 91-8-12 A minimum of 6-12 inches of sand should be maintained under the metal playground equipment as cushioning to reduce injury to children who might fall off the equipment.

COMPLETE

13. 91-8-13 The gullies on either side of the metal bridge to the walkway between the Douglas and Gates Schools should be filled with gravel.

COMPLETE

14. 91-8-14 Deadlocks should be installed on all lavatory doors not so equipped. Doors should be kept locked when building is not in use or the lavatories are not being cleaned. This will reduce the exposure to vandalism in the lavatory areas and to water damage in other areas of the building should vandalism result in damaged fixtures.

IN PROCESS

Sincerely,

William L. Ryan,

Interim Superintendent

WLR/baw

Don P. Johnson Town Manager

May 3, 1993

Mr. Donald Rhude 7 Fernwood Road Acton, MA 01720

Dear Don:

Within minutes of your leaving the office I was able to speak with Dean Charter and had an answer to your question. In order to properly explain, I have included several pieces of supporting documentation.

The people you saw mowing and cleaning at the corner of Hosmer and Robinwood were, in fact, Town employees ... from our Municipal Properties Department. The land in question is Town-owned and we have apparently maintained it since the circumstance described below created this piece of land.

As you can see from Exhibit A, the shape of the street layout at the locus is somewhat different than one might expect. This occurred as a result of a "straightening of the old layout many years ago. I am told that the state caused the straightening and that, for whatever reason, the old layout was not abandoned at the time. This left the Town with ownership of the unusual bulge that you see in the Hosmer Street layout.

When Robinwood Road was developed in 1976, the layout for Robinwood was properly designed with the required radii into the Hosmer Street layout. This can be seen in Exhibit B. Also apparent in this plan is the unusually large expanse of unpaved land at this intersection that the Town owns. (For clarity I have shaded the area, or approximate area, of the actual street <u>pavement</u> on both Exhibits.)

Finally, Dean Charter has provided the attached copy of his regular mowing schedule. (See Exhibit C.) We maintain the land on both sides of Robinwood at this location with the primary purpose being to provide sight distance for the intersection. Hence, the #2 priority on his schedule.

, Ŷ.

As you can see, the appearance of the Town maintaining private property is incorrect but there was certainly sufficient reason for you to have drawn this conclusion. As we discussed, if a member of one of our boards gets the wrong impression of our activities, then the private citizen is even more likely to be mislead. I very much appreciate your coming to me for the correct answer, rather than allowing the question to go unresolved. Besides, I learned more about our operations in developing this information for you.

Best regards and please do not hesitate to pursue any similar questions in the future. I am confident that our people are acting in the best interests of our citizens, but it never hurts to confirm that opinion.

Very truly yours,

Don P. Johnson Town Manager

cc: Dean Charter

Board of Selectmen

DPJ:654

THE COMMONWEALTH OF MASSACHUSETTS

HIGHWAY DEPARTMENT

INTEROFFICE MEMORANDUM

To:

All Resident Engineers

From:

Peter J. Donohue, District 3 Highway Director

Date:

April 29, 1993

Subject:

Police Service Fee

The fee changed by The Town administration (hisbility Insurance,

In accordance with Department Policy Directive No. P-93-002 dated April 29, 1993.

As of May 1, 1993 NO POLICE SERVICE FEE IS TO BE PAID for traffic police details working on Department projects.

A copy of the above mentioned directive is herewith enclosed.

As requested, please advise all contractors of this policy.

JTD/jml cc: m.o. file const. file maint. file

W.J. McCabe Jr.

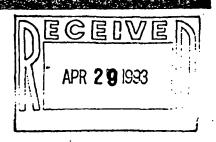


Number:	·
Date:	04/29/93
JUI.V	

POLICY DIRECTIVE

Commissioner's Signature

No Fify ALL Could a Clind



It has come to my attention that the Massachusetts Highway Department, as a Department of the Commonwealth, is exempt from the requirement to pay the police detail service fee to cities and towns under the provisions of G.L. c. 44, § 53c. Even though the Commonwealth is exempt from paying that service fee, it is my understanding that contractors have paid that fee and have been reimbursed that fee by this Department since 1974. That practice will cease as of May 1, 1993.

Beginning May 1, 1993, this Department will no longer pay any service fee charged by any city or town for the preparation of bills associated with collection of police detail services. Department Notice in 74-10, dated February 12, 1974, is hereby revoked. The police service fee shall no longer be paid.

Please advise all contractors with existing contracts that this Department will no longer reimburse payment of any such fees incurred after May 1, 1993. This directive is based upon the opinion of the Chief Counsel's Office that the contractors, acting as agents of this Department, share the Department's exemption from the payment of such fees. This exemption is based in part upon the standard specifications of this Department, which provide that it is the Resident Engineer who is responsible for ensuring adequate provision of detail officers. It is further based upon the fact that FHWA does not recognize this Department's obligation to pay such fee and the fact that FHWA guidelines prohibit federal reimbursement of that fee.

			X
Distribution:	Please post:	Do not post:	

TOWN OF ACTON POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

CC: Gazy R. Check with town Counsel

TO: Don Johnson, Town Manager DATE: January 27, 1993

OM: George Robinson, C.O.P

SUBJ: Foster Masonry Unpaid Extra Duty Payroll

On August 29, 1992 a large propane cylinder was ignited with minimal but hazardous results at the property of Foster Masonry which was at the time under Chapter 7 (liquidation). The Acton Fire Department wanted the scene secured until the conditions could be corrected. Due to the fact that this happened at the beginning of a weekend and no one could be contacted to secure the area the Officer In Charge at the Acton Police Department ordered a detail to cover the scene until Monday morning. Two officers from the Acton Police Department and two from the Stow Police Department covered this detail.

Subsequently, bills were sent to Foster Masonry owner, Donald Foster and to this date have not been paid. Attached are all correspondence his department has on the matter. It is our understanding the Town of Acton has instituted a law suit against Foster Masonry and we request that the collection of these funds be added to that suit. Amounts owed are \$758.21 to the Town of Acton and \$388.60 to the Town of Stow for a total of \$1,146.81.

Chief of Police



Massachusetts Cable Television Commission

CABLE BULLETIN

Number 93-1

May 3, 1993

Pursuant to the Commission's ongoing commitment to keep you informed, this bulletin will alert you to some additional matters of interest in connection with the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Act") and the rules promulgated thereunder by the Federal Communications Commission (the "FCC").

Consumer Protection

The FCC has released its consumer protection rules which essentially establish standards for cable system office hours and telephone availability; installations, outages and service calls, and communications between cable operators and cable subscribers. A copy of the FCC's Summary Report and Order in connection with this matter is attached to this Bulletin; the summary contains the text of the new rules.

The new rules are effective July 1, 1993 but in order to enforce the rules, each issuing authority must give its cable television operator ninety (90) days written notice by certified mail that it intends to enforce the FCC's standards.

If you adopt the new federal standards, we request that you send the Commission (by regular mail) a photocopy of the letter you send the operator so that if we receive consumer complaints on any matter covered by the new federal regulations, we know whether or not you have chosen to enforce the federal standards.

Renewal

Pursuant to the terms of the Cable Communications Policy Act of 1984 (the "1984 Act"), in order to deny a renewal license for noncompliance or because the quality of service was not

reasonable in light of community needs, a municipality had to provide the operator with notice and the opportunity to cure. If the municipality did not do so, or if the operator did not respond to the notice given by the municipality, the municipality was deemed to have "effectively acquiesced" to the operator's behavior and, therefore, was foreclosed from raising the noncompliance or quality of service issue(s) at the time of renewal.

Under the terms of the 1992 Act, a municipality may reserve the right to raise the noncompliance or quality of service issue(s) at the time of renewal if it does not waive its right to do so or if it responds to the operator within a reasonable amount of time following an operator's notice that it cannot comply with the provisions of the license.

Therefore, if you have certain noncompliance or quality of service issues you wish to raise during renewal you should be conscientious about maintaining a paper trail of (1) notice(s) given to your operator regarding noncompliance and opportunity(s) to cure and (2) your responses to any reply of an operator that it cannot comply with the license. In this way, you will preserve the most flexibility at the time of renewal.

If issues of noncompliance or quality of service arise, you may want to write your operator explaining the issues and stating that you are giving the operator notice of the problem and an opportunity to cure. Failure by the operator to either cure or to respond to the problem should be followed by an additional letter from you stating that a reasonable time has passed since your notification of the problem and the failure to cure and, therefore, you consider this noncompliance or quality of service issue to be an issue that you have preserved and may raise at the time of license renewal as a basis for denial.

Rate Regulation

As was mentioned in our April 5 letter, we continue to await the FCC's final Report and Order. While we cannot be certain until we review that final document, at this time, we anticipate that rate regulation will be conducted by the Commission. We also anticipate developing a process of rate regulation which will maximize local input and minimize undue administrative burdens. When we receive and review the FCC's final Report and Order, we will contact you to explain the process of rate regulation.

Attachment

Synopsis of Report and Order

1. By this Report and Order ("Order"). the Commission implements section 632 of the Communications Act of 1934, as amended by section 8 of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act of • 1992" or "1992 Act"). That provision governs the establishment. implementation and enforcement of customer service standards for cable operators nationwide. In the Notice of Proposed Rule Making, 57 FR 61038 (December 23, 1992) ("Notice"), in this proceeding, the Commission solicited comment on issues concerning the implementation of section 8 of the Cable Act of 1992.

2. Section 632(a) of the Communications Act, as amended by section 8 of the Cable Act of 1992 provides that a franchising authority may establish and enforce customer service requirements and construction schedules and other constructionrelated requirement, including construction-related performance requirements, of the cable operator. Section 632(b) requires the Commission to establish standards by which cable operators may fulfill their customer service requirements, including, at a minimum, requirements governing (1) cable systems office hours and telephone availability; (2) installations. outages, and service calls; and (3) communications between the cable operator and the subscriber (including standards governing bills and refunds. Section 632(c) permits franchise authorities to agree with cable operators to adopt stricter standards, and to enact any State or municipal law or regulation which imposes a stricter or different customer service standard than that set by this Commission.

3. After analyzing the comments of interested parties, the Commission concluded that the implementation scheme most consonant with the language of the statute and Congress' intent is for the Commission to establish self-executing standards which set forth customer service obligations of cable operators nationwide in the specific areas delineated by section 8 of the Cable Act of 1992. The Commission used existing voluntary industry standards as a starting point for its Federal standards. However, the Commission modified and added to those standards to include definitions of key terms in the standards, and to strengthen other standards to ensure more satisfactory customer service. These standards will become applicable to all cable operators on a nationwide basis on July 1, 1993 and will be

47 CFR Part 76

[MM Docket No: 92-263; FCC 93-145]

Cable Act of 1992—Consumer Protection and Customer Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this Report and Order ("Order"), the Commission implements section 632 of the Communications Act of 1934, as amended by section 8 of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act of 1992" or "1992 Act"). That provision governs the establishment. implementation and enforcement of customer service standards for cable operators nationwide. The Notice of Proposed Rule Making in this proceeding sought comment on issues concerning the implementation of section 8 of the Cable Act of 1992. This action is taken in order to comply with the 1992 Act.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT:

Alan E. Aronowitz, Mass Media Bureau, Policy and Rules Division, (202) 632–7792 or David Krech, Office of. Legislative Affairs, (202) 632–6405.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 92–263, PCC 93–145, adopted March 11, 1993, and released April 7, 1993. The complete text of this document is available for inspection and copying during normal business hours in the

FCC Reference Center, 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service (ITS), at (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037. enforced by local franchising authorities, which will be required to provide cable operators with 90-days written notice of their intent to enforce them.

4. The Commission found that, as a general principle, specific customer service requirement enforcement mechanisms and processes are to be determined by the franchise authorities. To the extent that existing franchise agreements may prohibit franchise authority enforcement of customer service standards, such provisions are preempted by the Federal statute. A franchise authority that chooses to enforce the PCC standards may unilaterally modify the franchise agreement to the extent necessary to implement local enforcement of the Commission's customer service requirements: Franchise authorities may also enforce service requirements either pursuant to the terms of an existing franchise egreement which provides for effective enforcement; with the consent of the affected cable operator; pursuant to applicable State or municipal consumer protection or customer service law or regulation; or pursuant to the franchising process. Existing customer service requirements exceeding the standards developed by the FCC contained in current franchise agreements will be grandfathered through the end of the franchise term. The Commission declined to adopt a flat exemption for small cable systems, but instead will permit small systems to seek waivers of its standards should they conclude that one or more of those standards is too onerous. The Commission will consider smallsystems to be those with 1,000 or fewer subscribers.

5. The Commission declined to establish specific customer service reporting requirements or refund or penalty guidelines applicable to ail cable operators nationwide. It was concerned that adoption of Federal enforcement standards could preempt local enforcement mechanisms and hamper effective local enforcement of customer service requirements. Similarly, and based on the record before it, the Commission did not establish specific, universally applicable remedies or penalties for operators that do not comply with their customer service obligations. Local governments, it reasoned, should be free to avail themselves of reasonable remedies to assure compliance and fairness to ail parties and free to pursue nonmonetary forms of relief to assure customer satisfaction. The Commission expected that overall system-wide compliance based on aggregate performance will be

a fundamental concarn to franchise authorities. However, the Commission concluded that it is not appropriate to preclude local resolution of individual subscriber complaints that cannot be resolved between the cable operator and its customer.

6. The Commission also found that the Cable Act of 1992 provides the FCC with no direct role in the enforcement of customer service standards. Accordingly, the Commission found that the customer service standards it adopted should be enforced by local franchise authorities. However, consistent with the Commission's overall obligation to effectuate the reforms mendated by the 1992 Cable Act, the Commission retained the authority to address, as necessary, systemic abuses that undermine the statutory objectives.

7. For purposes of its customer service standards, the Commission defined the key terms underlying the standards to prevent confusion. Normal business hours: For purposes of the Commission's customer service standards, the term "normal business hours" means those hours during which most similar busineeses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours. Normal operating conditions: The term "normal operating conditions includes those conditions which are within the control of the cable operator, including special promotions, pay-per-view events, rate increases, and maintenance or upgrade of the cable system. Those conditions which are not within the control of the cable operator include, but are not limited to, netural disasters, civil disturbances, power outages, telephone network outages, and severe weather. Service interruption: A "service interruption" means the loss of picture or sound on one or more channels.

8. As to the standards themselves, the Commission will require that cable operators will maintain a local, toll-free or collect call telephone access line which will be available 24 hours a day, seven days a week, with trained representatives answering the phone during normal business hours; telephones will be answered within 30 seconds and call transfers will be made within another 30 seconds; the caller will receive a busy signal less than three percent of the time and customer service and bill payment centers will be open at least during normal business hours and will be conveniently located. The cable operator will not be required toacquire equipment or perform surveys

to measure compliance with the telephone answering standards unless an historical record of complaints indicates a clear failure to comply.

9. Under normal operating conditions. The following standards will be met no less than 95 percent of the time as measured on a quarterly basis: (A) Standard installation will be performed within seven business days after an order has been placed. "Standard" installations are those that are local up to 125 feet from the existing distribution systems. Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem: (B) The "appointment window alternatives for installations, service calls, and other installation activities will be either a specific time or. at maximum, a four hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer); (C) Are operator may not cancel an appointment with a customer after the close of business on the business day prior tothe scheduled appointment; and (D) If an installer or technician is running late and will not be able to keep the service appointment as scheduled, the customer will be contacted and the appointment. will be rescheduled at a time which is. convenient for the customer.

10. The Commission will require cable operators to provide written information at the time of installation. and, at least annually, to all subscribers on products and services, prices and options and conditions of subscription to programming and other services. installation and service maintenance policies, instructions on how to use the cable service, channel positions of programming carried on the cable system, and billing and complaint procedures. Customers must be notified of any changes in rates, programming or channel positions as soon as possible through announcements on the cable systems and in writing. Subscribers must be notified at least 30 days before changes in any of the customer service standards within the control of the cable operator, or any other significant changes in the information conveyed to subscribers. Bills must be clear, concise and understandable and must be fully itemized, including basic and premium service and equipment charges. In case of a billing dispute, the cable operator

must respond to a written complaint within 30 days. Refund checks must be issued promptly, but no later than (i) the next billing cycle or 30 days thereafter. or (ii) the return of the equipment supplied by the cable operator if service is terminated. Credits for service must be issued no later than the customer's next billing cycle.

11. The Commission declined to add to its standards a flat late fee charge. It also declined at this time to adopt customer service standards in areas not specified in the statute. The Commission concluded that if there are other areas of concern, the statute and the Commission's rules allow the franchising authority to address those i551185.

Administrative Procedure Act

12. Adelphia Communications Corporation ("Adelphia") challenged the Commission's proposed action in this proceeding as failing to comply with the notice provisions of the Administrative Procedure Act, 5 U.S.C. 551 et seq. ("APA"). Specifically, it argues that the Notice in this proceeding has given inadequate notice of the customer service standards it intends to adopt, how such standards will be enforced, the interaction of the proposed Federal standards with State and local laws and existing cable franchise agreements, or any alternative approaches under consideration. The Commission rejected this argument, concluding that the Notice amply articulated the purposes intended to be served by the Commission's action. Specifically, the Commission noted that the Notice adequately set forth and elicited comment on specific proposals to implement section 8 of the Cable Act of 1992 as discussed in detail in the Report and Order.

Final Regulatory Flexibility Analysis

13. Pursuant to the Federal Plexibility Act of 1980, the Commission's final analysis is as follows:

1. Need and Purpose of This Action

The Commission's goal is to implement Section 8 of the Cable Act of 1992, which concerns customer service standards to be applied to cable operators nationwide.

II. Issues Raised in Response to the Initial Regulatory Flexibility Analysis

The Chief Counsel for Advocacy of the United States Small Business Administration ("USSBA") took no position on adoption and enforcement issues raised in the Notice. It did, nowever, urge the Commission to limit the standards to be developed to those

specifically enumerated in the statute, and suggested that a later Notice of Inquiry could be launched if it appears that further standards might be appropriate. USSBA also stated that the Commission should establish more than one Federal customer service benchmark. Specifically, it advocated tiering customer service standards based on the size and type of system, then further subdivide categories based on the age of the cable system, and then further classify systems based on the number of subscribers. Once separate tiers have been established, USSBA would not select specific customer service targets, but rather a range of standards from which cable operators and franchising authorities could agree. Although it acknowledges that this type of stratification may be complex, USSBA states that it will work to ensure that comparable type systems meet comparable customer service standards.

III. Significant Alternatives Considered

USSBA's and other commenting parties' comments concerning small business concerns and alternatives were fully considered in this proceeding. The Commission agreed with USSBA regarding the establishment of customer service standards specifically enumerated in the statute. However, this Report and Order does not accept USSBA's specific arguments concerning the establishment of multiple national standards based on classifications of cable systems. The Commission did. however, consider various alternatives. including USSBA's, in responding to the concerns regarding the impact of these matters on small cable systems.

Ordering Clauses

Accordingly, it is ordered, That, pursuant to authority contained in sections 4(i), 4(j), and 303 of the Communications Act of 1934, as amended, and the Cable Television Consumer Protection and Competition Act of 1992, Public Law No. 102-385, part 76 of the Commission's Rules, 47 CFR part 76, is hereby amended as set forth below.

15. It is further ordered, that the rule changes made herein will become effective July 1, 1993.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission. Donna R. Searcy, Secretary.

Amendatory Text

Title 47 CFR, part 76 is amended as follows:

PART 76-CABLE TELEVISION SERVICE

1. The authority citation for part 76 is revised to read as follows:

Authority: Sections 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, -1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309; secs. 612, 614-615, 623, 632, as amended. 106 Stat. 1460: 47 U.S.C. 532, 533, 535, 543,

2. Section 76-309 is added to subpart H to read as follows:

§ 76.309 Customer service obligations.

(a) A cable franchise authority may enforce the customer service standards set forth in paragraph (c) of this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce the standards.

(b) Nothing in this rule should be construed to prevent or prohibit:

(1) A franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards set forth in paragraph (c) of this section:

(2) A franchising authority from enforcing, through the end of the franchise term, pre-existing customer service requirements that exceed the standards set forth in paragraph (c) of this section and are contained in current franchise agreements:

(3) Any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted herein; or

(4) The establishment or enforcement of any State or municipal law or regulation concerning customer service that imposes customer service requirements that exceed, or address matters not addressed by the standards set forth in paragraph (c) of this section.

(c) Effective July 1, 1993, a cable operator shall be subject to the following customer service standards:

(1) Cable system office hours and

telephone availability-

(i) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days

(A) Trained company representatives will be available to respond to customer telephone inquiries during normal

business hours.

(B) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(ii) Under normal operating conditions, triephone answer time by a customer representative, including west time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

(iii) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to

comply.

(iv) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

(v) Customer service center and bill payment locations will be open at least during normal business hours and will

be conveniently located.

(2) Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:

(i) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the

existing distribution system.

(ii) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

(iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

(iv) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(v) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(3) Communications between cable operators and cable subscribers—

(i) Notifications to subscribers—

(A) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

(1) Products and services offered;

(2) Prices and options for programming services and conditions of subscription to programming and other services:

(3) Installation and service maintenance policies;

(4) Instructions on how to use the cable service;

(5) Channel positions programming

carried on the system; and,
(6) Billing and complaint procedures,
including the address and telephone
number of the local franchise authority's

cable office.

- (B) Customers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by the preceding paragraph.
- (ii) Billing—
 (A) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.
- (B) In case of a billing dispute, the cable operator must respond to a written compleint from a subscriber within 30 days.

(iii) Refunds—Refund checks will be Issued promptly, but no later than either—

[A) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(B) The return of the equipment supplied by the cable operator if service is terminated.

(iv) Credits—Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(4) Definitions-

(i) Normal business hours—The term "normal business hours" means those hours during which most similar

businesses in the community are open to serve customers. In all cases, "norm business hours" must include some evening hours at least one night per week and/or some weekend hours.

week and/or some weekend hours. (ii) Normal operating conditionsterm "normal operating conditions" means those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weathe conditions. Those conditions which a ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-p€ view events, rate increases, regular pe or sessonal demand periods, and maintenance or upgrade of the cable system.

(iii) Service interruption—The term "service interruption" means the loss picture or sound on one or more cable channels.

[FR Doc. 93-9056 Filed 4-16-93; 8:45 am] BRLING COOE 6712-01-48

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE MINUTES

Library Junior High School April 7, 1993

Members Present:

Donald Wheeler, Stephen Aronson, Jean Butler, Parn Harting-Barrat, Harry

Hersh, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Micki Williams

Also Present:

Bill Ryan, Mac Reid, Dan Leclerc, Fran Leiboff, Steve Desy, student representatives, Colin Brannen, Jason Chautin, Brian Palmer, school

principals, citizens and press

The meeting was called to order at 8:00 p.m. by Donald Wheeler, Chairperson.

PUBLIC PARTICIPATION:

Don Wheeler read the following petition from the Senior High School, signed by 91 staff members. "As members of the Acton-Boxborough education community, we are deeply concerned over Budget B. How can the Central Office recommend 37-38 full time staff cuts and no substantial decrease in its administration? With a new superintendent, the Central Office will actually increase next year and the high school will lose vital supervisory and support services. In particular, as residents of Acton and Boxborough, we feel these proposed cuts will adversely impact our students."

Jeffrey McHarg, Acton resident, read the following draft amendment to Article 10, which will be presented at the Acton Town Meeting. "Moved that the amount of \$687,000 be raised and appropriated as a supplemental appropriation to be added to the total appropriation set forth in the main motion and that said supplemental appropriation be distributed by agreement of the Coordinating Committee, provided that this supplemental appropriation be contingent on a proposition 2 and 1/2 override vote or votes pursuant to the procedure for contingent votes set forth in General Laws, Chapter 59, Section 21c(m)." Due to the failure of the \$1.55 million override to pass, some citizens feel that a compromise amount should be proposed. This figure (\$687,000) represents the difference between the override of \$1 million, proposed originally by the Finance Committee, and the amount needed for the teacher deferral payment this year. This amendment is contingent on the passage of Article 8, which delays deferral payments until 1997. The \$687,000 will be restored to the budgets in the same proportion as the cuts were made.

John Benson, Acton resident, further discussed the high school petition, requesting the School Committee to take a second look at administration cuts. Mary Jane Merrill, President of the AEA, also referred to the petition, adding that the junior high and elementary staffs are also concerned. She hoped the School Committee would look hard at the Central Office.

Lynn Rautigan, parent, was critical of the priority given Junior High teaming vs. cutting Junior High sports, and the misinformation distributed by the schools. Don Wheeler said that keeping teaming vs. sports was a recent decision, and that sports would not be eliminated, but be funded by user fees and ABSAF support. Bill Ryan said he had recommended that teaming be retained because it is one of the best parts of the Junior High, providing a beneficial transition for seventh graders. Cliff Card, junior high principal, defined teaming and described how it worked.

Steve Aronson asked Jeff McHarg if his group had checked with the Town Moderator on the legality of the amendment and process. Mr. McHarg said they are working with the Moderator and it does work legally. Steve addressed Mr. Benson's concerns, saying that the cuts had been determined fairly and integrity had been preserved. He appreciated these citizens' concerns.

John Pearson, citizen, said the <u>elected</u> representatives are the School Committee members and that the townspeople appreciated the elected officials making decisions in the best interest of the people.

Janet Murphy, citizen, asked about alternative funding of services. Don Wheeler said they have already solicited bids for contracted services. She also asked what are the advantages of School

Choice to the town - how much does the town receive? She suggested that the information be presented in a better way. This year, Bill Ryan said, we are receiving \$209,000 at the local schools and \$751,000 at the region from choice for a total of \$960,000. October 1, 1992 enrollment figures show that there are 75 choice students at the elementary schools, 63 at the junior high and 124 at the high school. More than half of the income is used as tax revenue, and the rest in trying to maintain teacher/pupil ratios. Bill explained why the choice funds have been very helpful financially to the schools and in the best interest of the system. The School Committee has not yet voted on the School Choice budget for next year.

Mr. Benson asked if the Computer Coordinator, Mr. Chace, had any other function. Bill responded that Jim Chace was responsible for the system-wide technology operations, computer instruction, and print shop operation. Janet Murphy asked if contracted services had been investigated for these services, and Don Wheeler replied that this would be explored with the new superintendent.

Mac Reid reviewed several changes in the "B" budget made since the April 1 School Committee meeting. Bill explained that the process in determining the "B" budget had included many staff-principals, department heads, teachers, and central office administrators. The goal was to recommend a budget with the least negative impact on the core curriculum. Mac summarized the entire budget process this year. The "A" budget was developed in the fall, followed by the "B" beginning in December. Twenty-seven staff members met for the first meeting, and returned to their respective schools for input. Suggestions were received as to how to least impact the budget cuts on the students. On February 22, the cut list was established, and the "B" budget (with itemized cuts) was presented to all the schools and 30 town groups by Bill and Mac in March.

Bill Higgins, citizen, asked about the funding of a Community Ed. position. In the past, the schools received \$30,000 to manage the community use of the pool, gym, recreation programs, summer playground program. Hopefully, the staff member's salary and these programs will be funded by user fees.

Bill Ryan urged the Committee to continue to give the school administration flexibility in terms of the cuts. School reform may change things and if we out-source some services, we may be able to use the savings for other purposes. If registration for courses varies, flexibility will allow for appropriate cuts. In addition, the new Superintendent needs some flexibility to reorganize and to do some things differently.

Mac mentioned the role of Art Goodall, former teacher and current Central Office staff member, who started the Externship Program. His salary does not cost the system anything; it comes from the difference between his teacher's salary and his teacher replacement plus money generated from the Externship Program. Bill added that Art also writes grant applications for the system.

Bill commented on the Coordinating Committee process. He spoke to many groups before the override vote, saying if the override lost, they would recommend the "B" budget. Regarding voting the budget, Bill said the region has a more difficult problem than the local schools. At the region, once the assessment is voted it cannot be increased. It is critical that the School Committee support the "B" budget cuts to maintain credibility. Bill expressed his respect for the Boxboro School Committee members' position.

SUPERINTENDENT'S RECOMMENDATION:

Bill read the Administration's budget appropriation recommendation. The motion was not seconded. Lees Stuntz read the following alternative motion: "That the Regional School Committee affirm their commitment to living within the "B" budget guidelines if no further revenues are forthcoming. The Committee will lower their assessment to the agreed upon amount at such time that the citizens' movement to raise more revenue for the town and schools is resolved positively or negatively." The motion was seconded and addressed. Lees said that if the Committee voted the Administration's motion to lower Acton's budget and also Boxboro's, the only option to respond to the citizens' petition (re: adding \$687,00 to the budget) would be to take it back to each town. Lees felt her motion was the cleanest way of keeping the options open. Don

Wheeler said he was caught in a bind between the two town meetings; Boxborough Town meeting would have to vote similarly and that cannot be guaranteed.

Charlie Kadlec, citizen, questioned whether the budgets could be voted at Town Meeting line by line. Nancy Tavernier, chairperson of the Selectmen, said that could be done.

Dore Hunter, selectman, said all selectman were asked about their reaction to Mr. McHarg's citizens' petition; he felt it would be very instructive to hear the School Committee's opinions. The Selectman will move the "B" budget at the town meeting.

Following further discussion, Lees withdrew her motion There was debate regarding what budget figures to present at the Acton Town Meeting. Bill Ryan said he had talked to Ropes and Gray lawyer, Henry Hall, whose advice was either to 1) vote the administration's motion and take the risk regarding Boxborough's vote, or 2) present the "A" budget assessment number at Town Meeting and take a vote to reduce to "B" budget level if funds not available. Nancy Tavernier, felt the Committee should present the "B" budget.

Don Wheeler expressed his concern that Boxborough may not vote an equivalent assessment. Bill agreed there is a risk factor, but that it is doable. The risk is approximately \$40,000. Bill recommended that if the extra money is voted, it should be split 55/45 between the two systems, which is how the cuts were taken.

After some discussion/concern regarding Boxborough's role in the process, Bill Ryan moved, it was seconded and

VOTED:

That the total appropriation for the Acton-Boxborough Regional School District for the fiscal year July 1, 1993 through June 30, 1994 be set at \$\frac{\$\frac{11,711,987}{11,711,987}}\$ and that member towns be assessed an accordance with the terms of the Agreement and amendments thereto as follows: Acton, \$\frac{\$7,566,675}{5}\$; Boxborough, \$\frac{\$\frac{1,547,287}{2,87}}\$, remainder to be accounted for by the anticipated Regional School Aid in the amount of \$\frac{\$\frac{\$\frac{\$\frac{814,347}{2,87}}}{2,87}\$; Chapter 70 aid in the amount of \$\frac{\$\frac{\$\frac{\$\frac{\$\frac{5}{2,30,675}}}{2,87}\$; Transportation Aid Chapter 71, Sec 16C, in the amount of \$\frac{{\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{{\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{\$\frac{{\frac{\$\frac{\$\frac{{\frac{\$\frac{\$\frac{\$\frac{\$\frac{{\frac{\$\frac{\$\frac{{\frac{{\frac{\$\frac{{\frac}{{\frac{{\frac{{\frac{{\frac}{{\frac{{\frac{{\frac{{\frac{{\f

The Boxborough School Committee members were asked how they stood on the issue; all said they would support the assessment, but acknowledged it would be a "hard sell" in Boxborough.

It was moved, seconded and unanimously

<u>VOTED</u>: Not to reappoint Stephen F. Donovan, Physical Education teacher at the High School, for the 1993-94 school year.

<u>CONCERNS OF THE BOARD</u>: Steve Aronson expressed concern that the committee did not address the Senior High school petition.

NEXT MEETING: May 6, 7:30 p.m., Junior High Library

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Sarah T. Lawton, Secretary

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

MINUTES

Library Junior High School April 1, 1993

Members Present:

Donald Wheeler, Mary Anne Vogel, Jean Butler, Steve Aronson, Pam Harting-Barrat, Lees Stuntz, Micki Williams, Rick Sawyer

Also Present:

Bill Ryan, Mac Reid, Dan Leclerc, Fran Leiboff, Steve Desy, student representatives Jason Chautin, Lisa Napoli, Colin Brannen,

Jen Johnson, faculty members, citizens and press

The meeting was called to order at 7:00 P.M. by Chairman Donald Wheeler.

Minutes of the March 4 and March 9 meetings were approved as written.

Warrant #93-036 in the amount of \$121,931.64, Warrant #93-037 in the amount of \$5,421.29, Warrant #93,038 in the amount of \$174,707.63, Warrant #93-039 in the amount of \$231,616.38, and Warrant #92-107 in the amount of \$2,413.90; Payroll Warrant P9319 in the amount of \$401,321.40 and Payroll Warrant P9320 in the amount of \$392,406.23 were signed by the Chairperson and circulated to other members of the Committee.

<u>PUBLIC PARTICIPATION:</u> Carol Place reported on a Wednesday evening meeting of parents who are concerned about the override failure. Parents would like to try to reinstate about \$1,000,000. We want to discuss this issue and a couple of options people have mentioned. People feel that the money should be given back to the region and the town. She asked for ideas on handling the Regional assessment. Don Wheeler advised that the Committee will discuss this question later. We welcome comments at this point. Discussion: After the assessment has been voted it cannot be raised by the School Committee. School Committee can lower and go to Town Meeting. Town Meeting cannot raise. Cost of running a Town Meeting - approximately \$5,000.

Jason Chautin raised a question about debt exclusion. There are some items that are one-time expenses and were included in the override - for instance, deferrals which do not become a part of the permanent tax base. Dore Hunter answered that none of these items is eligible for debt exclusion.

EDUCATION REPORT: Dan Leclerc asked Steve Donovan to report on <u>Program of Studies</u> revisions. Steve distributed a copy of proposed revisions for next year, and reviewed details of the proposed changes. Steve Aronson initiated a brief discussion of the positive and negative aspects of unweighted courses and the assignment of quality points.

Major Curriculum Initiatives. Dan Leclerc summarized progress of the Health Education Task Force and the Physical Education Program. A member of the audience asked if we had hired a sports trainer. Mac advised that we advertised and received three applications. One is not available for the fall season, one had not passed her certification, and if she can be certified we will probably hire her for the spring, but we have to get it settled for the long term. Rick Sawyer suggested that we check with Springfield College for information on this type of program. Question was asked how to deal with sexual harassment in our curriculum. Dan outlined alternative approaches. Steve Aronson raised a concern about the PE program. It doesn't appear that a philosophy of PE in our schools had been well thought out. Dan answered that many people have good ideas, but they haven't talked to each other. It is a topic we could bring up at Administrative Council. There are many new approaches being given to this area and we are in the information-gathering stage on this issue.

RECOMMENDATIONS:

It was moved, seconded and unanimously

VOTED:

To accept the gift of a Williams F. M. sound system donated by the

Friends of Acton Disabled.

Chorus Trip to New York City: Dan has used this particular tour organization and assured that this tour group does a very good job with students, and he is very confident that this will be a safe and trouble-free experience for the students.

It was moved, seconded and unanimously

VOTED:

To approve the chorus trip to New York on May 20, 21 and 22.

Non-Reappointment of Non-Tenured Staff. Mac reviewed the process and reviewed certification issues as they apply to the length of service. All of these people will be notified after tonight if you so vote. The letters that we give people try to be as accurate as possible. If we believe, after the dust has settled, that we can rehire them, we will assure them. On the other hand, if that is not the case, we will be as upfront and diplomatic with them as possible. Question was raised as to why the names on this list confidential. Don Wheeler answered that we felt it would be too upsetting to the educational process to reveal them at this time. Steve Aronson advised that the school public needs to know what the loss of the override means in the context of the excellent teachers on this list. Don felt we have to balance that comment against the potential harm it might do to the educational process and the classroom disruption it might cause.

It was moved seconded and unanimously

VOTED:

To approve the list of non-tenured teachers listed on Attachment C to be notified of non-reappointment.

Recommendation for Lease/Purchase of CASE S.P.E.D. Transportation Vehicles. Bill said these are to replace the wagons we currently have. Steve Desy can answer any questions. Don Wheeler explained that these are run through a revolving account and are not in our fiscal problems. Bill reviewed the history of our entry into the transportation business. When we had problems with CASE transportation Acton-Boxborough entered into an agreement with a number of other communities. All communities who participate are charged the same per mile rate. Steve Desy advised that all present vehicles we use have more than 100,000 miles.

It was moved, seconded and unanimously

VOTED: To approve the Lease/Purchase of CASE S.P.E.D. transportation vehicles.

Recommendation to Reject Bids for Contracted Cleaning. Bill said the committee will discuss this recommendation in executive session. Steve Aronson commented that he thinks it is inappropriate to agree with this recommendation until we understand the ramifications. He would like to reserve our right to have our discussion in executive session. Bill reviewed our collective bargaining agreement with the custodians which provides that we are not allowed to go into contracted services when there are custodians in lay-off status.

Extra Curricular Appointments: Mac read the names of the candidates and their recommended appointments. It was moved, seconded and unanimously

VOTED: To approve the appointments of

John Smith, JV Girls' Lacrosse Coach

Tri-Coaches

Mary Ellis, Freshmen Girls' Intramural Lacrosse Carolyn Policani, Freshmen Girls' Intramural Lacrosse Karylee O'Donaghue, Freshmen Girls' Intramural Lacrosse

<u>Baseball Team Trip.</u> Rick Sawyer commented about the hazing issue that occasionally arises on trips such as this one. Steve Donovan responded that we currently distribute copies of the hazing policy to students who sign that they have read it.

It was moved, seconded and unanimously

VOTED: To approve the baseball team trip to Cooperstown, New York.

Regional Deferral Amortization Schedule. Don Wheeler asked for discussion. Steve Aronson commented that this is one of those horrible instances where we can't win either way. He stated that the School Committee position on deferral was clear even though it was a complicated issue. He thinks it should be paid back as quickly as possible. This is an issue the School Committee had no power over. It was done outside this body's approval. It is bad financial planning. It will exacerbate all future tax problems. One of the things that comes to mind is Lees' hard work trying to get the community to recognize the benefits of regionalization. Once again we are going to suffer year after year. It is an artificial negative situation that should not be deferred any longer. Mary Anne Vogel disagreed with Steve. Charlie Kadlec asked if last year's Town Meeting voted to pay this back in four years. Don Wheeler said this was brought before this committee as part of an agreement with the Coordinating Committee. It will be part of the Town Meeting agenda. Dore Hunter advised that this meeting can act for the Region. The Town Meeting has the right to vote on the Local deferral. Bill said the reality is that over the last two years we have deferred over \$700,000. Dore Hunter pointed out that by 1997 the Legislature will probably change the rules. If we pay it back now, we will have to take further cuts in the current budget. He would like to wait until the rules are changed.

It was moved, seconded and

VOTED: To approve the four year amortization schedule to repay teachers' compensation deferred for F., Y.'92 and F.Y.'93, be revised as permitted by Section I of Chapter 336 of the Acts of 1991 so that the deferral payback be amortized over a period not to exceed fifteen years, beginning no later than 1997.

Six members voted in favor, Mary Anne Vogel voted no, Harry Hersh was absent.

FOR YOUR INFORMATION. Bill summarized the Academic Decathlon team's victory, and advised that Raytheon will pay \$10,000 of travel expenses to Phoenix, and ABSAF will contribute \$2,000. Science Olympiad team also won a championship and will be competing in the Nationals in Pueblo in May. They will be looking for donations to pay expenses. Jason Chautin mentioned that nine Debate Team members will be going to Boca Raton and that they are looking for \$6,000 to pay for that trip. Math Team placed second. Bill Noeth mentioned we came in second, but we were short one student. Our state competition is in two weeks and he will update you then. Micki asked since we are representing the state, is there no state-wide funding for these groups? Steve Donovan answered that we are trying to locate sponsorship money. There is no state organization

to provide funds for this. Jason added that there are 25 students from the state, nine from Acton-Boxborough.



WARRANT DISCUSSION: None.

CONCERNS OF THE BOARD: Bill said we have spent the last two days dealing with the "B" budget, and couldn't have done it without Jim Chace's expertise. Most of you have seen the "B" budget cuts. What we have done in the last two days is go through all these items. Where we have had estimates we have put in the names of people. We have looked up salaries, health insurance, unemployment costs, to come up with a net amount. Basically the cut lists reflect about 95% of the cuts. Mac will go through each line item. We will share this list with the Administrative Council tomorrow morning. In terms of FTE cuts - Local 18.8 FTE; Region 21.5 FTE. There are three or four other cuts that are in fact transfers out of the appropriated budget. His position is that he will be recommending to this Committee and the Local Committee the cuts that are on the "B" budget. He has talked to over thirty groups and stated publicly that his position is to recommend the cuts. Mac reviewed the process stating that we started with contracts involving teacher transfers and RIFs. We have seniority losses by department. This list also indicates their salary and another form which indicates areas of certification. The February 22 "B" budget is the one we used. You have a combined list, but Mac focussed on the Region. Mac enumerated items considered in reaching cut decisions. Bill said this is the most unpleasant task he has been involved in. These cuts begin to take this school system into mediocrity. We are going to lose some of the best and youngest members of our school system, and dismantling some of the fine things that have been going on here. We have talked to Cliff Card about teaming in the Jr. High which is an important program. We looked for alternatives, and cut off athletics at the Jr. High and will go to user fees. We have taken off \$80,000 to \$90,000 out of the appropriated budget and put it into a revolving account. ABSAF has done as much as they can. It would be difficult to have both ABSAF and user fees. Mac continued a summary of the cuts.

Don commented that we will be meeting Wednesday night at 8:00 to take a vote on this and take any final action that is appropriate.

Bill said that we are consistently trying to minimize impact on the core instructional program. Mary Donald asked how many bodies are involved. Mac answered between 80 and 100. Charlie Kadlec said that all these complications are the result of the contract with the teachers' union which until recently was based on security and resulted in losing some very good teachers. He hopes the contract will be changed. Steve Aronson extended congratulations for retaining flexibility dealing with all the concerns. All the things you have brought to our attention have been painful. Jean Butler expressed concern over the loss of Jr. High athletics. Bill Ryan said that we wanted to have the least possible impact on the schools. Mary Anne Vogel read a statement expressing her views. Dore Hunter said we are a single community, and it isn't appropriate to get into the debate of one side of the house vs. the other side. This is one tide that rises and falls together. We have something going in the Coordinating Committee and it is a workable process. Charlie Kadlec commented that he had said many of the things that Ms. Vogel said, and it wasn't a vote against the \$1,600,000 and not a vote for the "B" Budget. He thinks both the School Committees have a problem with credibility. The vote taken earlier about deferral will not help your credibility. You don't have the support of the town. If you go for all or nothing, you will lose. Between now and Town Meeting something reasonable can be worked out. It will not be either the "A" or "B" Budget. Bill said he found it offensive to hear comments about straight numbers. He had never ever given inaccurate information about the schools. People can come into the office at any time and see any figures they want. We have tried consistently to be straightforward with this community. Charlie Kadlec responded that is not a comment against Bill. It is a comment against the fact that a lot of financial information is not forthcoming unless it is extracted. Lees Stuntz said Bill went to over thirty meetings to inform the people about the numbers and what the budget was and what the effect of not voting the override would be which she felt is going over and above the call of duty. She thanked Bill and Charlotte Floyd for the incredible amount of work they did. A

Boxborough citizen commented that they are still the tail. They know what happens to them depends on what Acton votes. He requested that you propose the "A" Budget as an all or nothing. He hopes that Acton Town Meeting would be handled so that some people do not vote in spiteful ways. Steve Aronson commented that we have choices to think about before next week. Where do we stand with respect to the Coordinating Committee process this year? He refered to the letter to Don Johnson re P.P.E.A. money and use of choice money. He felt these two issues have not been voted on. Don Wheeler said by voting the budget we vote on those two issues. P.P.E.A. is still in our budget. As a school system the Committees under Dr. Kessler a number of years ago were very much in the forefront of getting this Committee together. He thinks the split is fair. This is an unusual year for the School Committees' allotment of the override and I am not sure how well our efforts to communicate that got across. Don agreed with Dore. We want to avoid pitting policeman against teacher, etc. Should we undo that process this year? Is that better than a floor fight? Dore Hunter asked if the override had passed, what % would have come to the schools The school's operating budget increase was \$784,000. The town increase was around \$512,000. You had an extraordinary cost for NESWICK. Total override was about \$2,700,000. He recommends the split of 67%. If the override had passed, it would have been because of the work of the schools. He recommends the cuts be made as gone over tonight. It will be 67% of \$1,500,000. Bill commented that the override was not being driven by where the increased costs are. Dore Hunter said when they calculated what the shortfall would be and in the negotiations they arrived at a level of what would be required, not on a % split. Carol Place said we should work together. We will shoot ourselves if we don't. If we don't, we will all lose. She found Bill Ryan the easiest person to understand. He is very easy to work with, and she had never had trouble getting information. He always answers clearly. She thanked him for his cooperation.

Jason Chautin commented that he had never seen more than twenty people at one of these meetings, and now after the vote he sees a lot of faces. Even at the superintendent search meetings he was embarrassed by the small number of people who attended. Bill Rvan was willing to take time to go through the budget with him to help him understand. He thanked both Steve Donovan and Bill Ryan. Dore Hunter suspects we are preaching to the choir. Obviously there are a lot of people who didn't want the override. We have a tough problem that we knew was coming. We are all concerned, it seems to me, that we have to look at the larger problem. It is not just a oneyear problem. Projected it could be \$4,000,000 next year. We have to be careful about what we do at this point looking to that possibility. He is inclined to say that we should take the lumps this year, hoping that next year we will be in a better position. Don Wheeler said we are facing some very structural problems. It is difficult to know how deep this structural change is going to be. He supports most of what Mary Anne said. We as Regional have to be careful about blocking options. Micki Williams said had it been overwhelming, she would have said let's take our lumps. Over 2300 people said yes. We need to think about that. We don't want a bloody battle on the Town Meeting floor. We need to find some way to make options clear to everybody. Steve Aronson said we don't want to preclude our options. If the School Committee votes the "B" budget next week and then if the Town Meeting wants to vote something else, we might want to retain as much as possible of the original budget. Town Meeting can't lower the assessment. They can only say yes or no. Bill Ryan said that for the local school budget, you could vote the "B" Budget, and if the town wants to vote it up at a special meeting, they can. Nancy Tavernier commented that in spite of the campaign put on for the override, the voters were against it. Micki Williams felt we should look to the people who said no and find out why they said no. Lees Stuntz commented as a resident of Actor it appears that the philosophy on finances is somewhat misplaced. The override is used to maintain excellence in education and in various town activities. The Coordinating Committee process is good, but its philosophy has gone astray.

Micki Williams referred to the <u>Spectrum</u> article on sexual harassment. She asked what the policy is. She had read about a school where students could put into a computer what had happened. What is the process whereby girls can get support? Steve Donovan answered that in the past we have explained to students in class meetings and the handbook includes new policies related to harassment. We have had several instances reported to Fran or Steve, and they have been advised

what steps to take for grievances. Micki Williams asked what can girls do to change the environment. Steve Donovan answered that we have training to do. Pam Harting-Barrat feels it is a societal issue. Young women are beginning to understand that they have some power.

EXECUTIVE SESSION:

At 10:00 it was moved, seconded and unanimously

VOTED:

To go into executive session to discuss consideration of rejection of contracted custodial services. Each member was polled individually by the secretary and each voted in the affirmative to go into executive

session for the stated purpose.

The Committee returned to open session at 10:40.

It was moved, seconded and

VOTED:

To approve the recommendation to reject all bids for contracted cleaning

services.

The vote was seven in favor, one no (Steve Aronson).

The meeting adjourned at 10:50.

Respectfully submitted,

Doris E. Koch Secretary, pro tempore

Gloucester CDC

Mayor Bill Rafter of Gloucester hosted a meeting of state officials and MAPC to discuss the proposed Memorandum of Understanding for the Gloucester concentrated development center. The meeting was attended by representatives from the Mass Housing Finance Agency, Coastal Zone Management, the Land Bank, Mass Industrial Finance Agency, Mass Bays and the Executive Office of Transportation and Construction.

Contact: Kent Stasiowski

SouthWest Water Supply Protection Plan

MAPC is completing a draft regional water supply protection plan for nine communities in the SWAP subregion. The plan, funded by a grant from the Mass. Department of Environmental Protection, is the culmination of one year of data gathering, mapping, and analysis. It identifies water supply recharge areas, maps potential sources of contamination in these areas, analyzes local bylaws and regulations, and recommends additional measures to further water supply protection. MAPC has been fortunate to work with an excellent ad hoc committee of local officials and interested citizens that has provided invaluable input into the plan. The draft plan will be completed in mid-May and a final plan will be available this summer. Contact: Mary Ellen Schloss

Housing Conference

Citizens' Housing and Planning Association (CHAPA), the Executive Office of Health and Human Services and the Massachusetts Municipal Association will be sponsoring a conference entitled "Community Partnerships: Siting Community-Based Housing for People with Disabilities". MAPC is a co-sponsor. The conference will be held June 3, 1993 at Holy Cross College in Worcester. Workshop topics will include examples of successful approaches to siting, an overview of the fair housing laws, an update on the facilities consolidation program and long term management and service provision.

Contact: Kathryn McHugh at CHAPA (617) 742-0820.

MAGIC Convenes Housing Groups

Over 40 local officials, developers, housing interest groups, and legislators participated in a spirited "Housing Information Exchange" hosted by the MAGIC on April 1 in Maynard. Speakers talked about affordable housing "success stories," describing variations on a nonprofit, projects in the ground, and housing-friendly zoning initiatives. Most exciting were the ideas for next steps, including creating a subregional housing network, forming a consortium to receive federal housing funds, applying for grants; sharing a housing planner, forming a coalition to work with local lenders; and working with legislators and state officials to make housing programs more responsive to suburban and rural needs. The group plans to meet again as part of the next MAGIC meeting on May 20. Contact: Judith Alland

Disabilities Act Update

It has been reported in the April 1993 edition of Parking that the Federal Architectural and Transportation Barriers Compliance Board (ATBCB) had issued a new set of proposed guidelines that will apply to all public entities. The standards will be stricter than those communities were originally required to abide by and will affect public infrastructure such as sidewalks, street signs, on street parking and public telephones. An example of the proposed change is to have street signs that provide an audible or radio transmitted way finding information in lieu of raised lettering or braille for street name information. MAPC has copies of the parking article available for distribution. The article is also being circulated to all of MAPC's subregions for distribution.

Contact: Daniel Fortier

Regional Transportation Plan

MAPC has developed a public participation program for review and reaction to the Regional Transportation Plan. Stay tuned for more details.

Contact: Donna Howard

Attention New Members

The MAPC President will be hosting a new member orientation session prior to the Annual Meeting general session. Please join us at 2:30 p.m. in the Tyler Room.

Contact: Donna Howard

Fall Meeting

MAPC is a member of the Local Invitations Committee which is assisting in the planning for the Urban Land Institute's Fall Meeting. The meeting will be held in Boston from November 2 through the 7th. Contact: Kent Stasiowski

Wellesley Design Charrette

MAPC jointly sponsored with the Wellesley Planning Board a brief, but intensive study of the reuse options for the Massachusetts Highway Department depot site in Wellesley. The depot is located at the intersections of Rts. 9 and 128 and is going to be offered to a private tenant for reuse under a long term lease. Numerous developers and businesses have expressed interest in the site. Uncertainty about who the future tenant would be and the possibility of potentially negative impacts had been a concern to the adjacent neighborhood and the town.

Contact: Kent Stasiowski

MAPC Forum on

Economic Growth

On April 7 at Newton City Hall, Congressman Barney Frank, State Senator Lois Pines and David Keto, Deputy Secretary of the Massachusetts Executive Office for Economic Affairs spoke at a MAPC sponsored forum on federal and state economic stimulus initiatives. Presentations were followed by audience questions and answers, as the participants reviewed the status of federal stimulus bills, recently enacted state legislation, An Act Relative to Incentives for Economic Development, and the Weld administration's program for economic growth. Contact: Steven Landau

North Shore Water Supply Protection Plan

With grant funds awarded by the Mass. Department of Environmental Protection, MAPC has begun water supply protection planning work for six north shore communities. The effort will result in two regional water supply protection plans. One plan will focus on water supplies used by Danvers, Middleton, Peabody and Topsfield, all four of which are located wholly or partially in the

Ipswich River basin. The other plan will focus on protection of water supplies for the Cape Ann communities of Gloucester and Rockport. These plans, in combination with the 1988 plan for Beverly, Wenham,

amilton, Essex and Manchester, and the 992 plan for eight north suburban communities, will provide a truly regional view of water supply protection needs for the north shore.

Contact: Mary Ellen Schloss

HOME \$ Awards

Twelve MAPC communities were recently awarded funding for fifteen projects under the first round of the new HOME program. The new federal funds, administered in the state by the Executive Office of Communities and Development (EOCD), were allocated as follows: Boston (three projects), Framingham, Malden, and Salem, for rental production; Boston, Chelsea, Gloucester, and Ipswich, for first-time homebuyer programs; Revere, Salem, and Stoneham, for homeowner rehab; and Marlboro and Winchester for tenant-based rental assistance. These awards totaled almost \$4.5 million out of the state's \$11.5 million. Applications were also received but not funded for 19 projects in 10 MAPC communities totaling almost \$15 million.

Contact: Judith Alland

Solid Waste Management Conference

Concord's Landfill Task Force, which operates under the auspices of the Board of Selectmen, is planning a regional conference on solid waste management to take place on Saturday, May 15th at the Concord Town House. Expert speakers will update the group on the state's Solid Waste Master Plan, legislative efforts, and market conditions for trash and recyclables. Presentations will nin from 9:30 a.m. to 12:30 p.m., with optional small group discussions following lunch "on your own". In hopes of identifying opportuni ties for interlocal cooperation, conference organizers will survey solid waste practices in each participant community and distribute the results at the meeting. The conference is free, but registration is required. To register, call Carolyn Landry at (508) 371-6202. Contact: Judith Alland

National Transportation Week **Kick-off Program**

The kick off for National Transportation Week in Massachusetts will be on Monday May 10, 1993 at the State Transportation Building. The program will run from 8 a.m. to 2 p.m. and costs \$40 per person. National Transportation Week information can be obtained from MAPC.

Contact: Daniel Fortier

Events Celebrating MDC's Centennial

MAY

- Clean up at Blue Hills
- The Birth of Beaver Brook, Belmont, 10:00 a.m. - 4:00 p.m. Hemlock George Cleanup Breakheart Cleanup Belle Isle Marsh Kite Festival
- 15 The Wheels of Time: Water Powered Industry to Public Parkland. 9:30 a.m. - 12:30 p.m. Treasure Islands Cleanup
- Nahant Beach Cleanup Middlesex Feels Cleanup
- 29-30 Maritime Festival

Call MDC for more information.

Annual Meeting

Don't forget to register for the MAPC Annual Meeting at the Henderson House in Weston on Wednesday, May 26, 1993.

Contact: Elaine Thomas

Land and Water Conservation Fund Grants Available

The state's Division of Conservation Services has released a grant round announcement for the federal Land and Water Conservation Fund. The deadline for applying for these grants is June 1, 1993. The Land and Water Conservation Fund provides up to 50% of the project cost for acquisition, renovation or development of park and conservation land. Communities are encouraged to submit grant applications for projects which are consistent with MetroGreen, MAPC's land resources protection plan. Communities with questions about how their applications relate to MetroGreen should call MAPC for further information. For information about the Land and Water Conservation Fund call Jennifer Jillson Soper at (617) 727-1552 Ext. 292. Contact: Joan Blaustein

Census Tract Data

The Metropolitan Data Center has compiled information from the 1990 U.S. Census on eight variables for all census tracts in MAPC The eight variables are: 1) civilian unemployment rate, 2) median household income, 3) median family income, 4) percentage of persons below the poverty level, 5) percentage of households below the poverty level, 6) percentage of families below the poverty level, 7) percentage of female householders (with no husband present) below the poverty level, and 8) percentage of household income going towards gross rent. The data is available on a diskette in either Lotus or Excel format from the Data Center. Contact: Jay Buhr

MAPC GIS Activities

MAPC is reviewing its Geographic Information System (GIS) and potential opportunities for coordinating our system with our member communities, including the exchange of data and files. As part of our review, we mailed a brief survey to the planner or chief administrator of each community. If you haven't returned it please do so as soon as possible. If you need a survey form or have questions, please feel free to call.

Contact: Douglas Carnahan

Environmental Reviews

MAPC recently reviewed and distributed the following environmental reviews:

- Boston/Boston College Master Plan
- Needham/Wingate at Needham
- Boston/New Airline Service
- Stow/Minute Man Air Field Safety Improvements
- Canton/Meadow Management Program
- Danvers/Danversport Yacht Club Maintenance Dredging
- Scituate/Construct Sewer Force Main
- Ashland/Wildwood Estates Subdivision
- Statewide/Wachusett Reservoir Water Treatment Plan
- Pembroke/Marshfield/Route 139 Intersection Improvements
- Boston/Mass College of Pharmacy and Allied Health Sciences Project

Contact: Kent Stasiowski

May Calendar

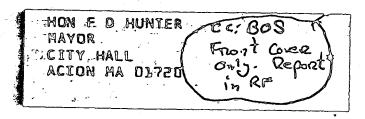
4	9:00 a.m.	MetroPlan Committee
5	10:00 a.m.	Inner Core
	12:00 p.m.	External Affairs
6	12:00 p.m.	Officers
7	10:00 a.m.	
		Adv. Comm.
11	12:00 p.m.	Finance Committee
	7:00 p.m.	Southeastern Mass Forum,
	_	Stonehill College
12	8:00 a.m.	NSPC, Reading
	12:00 p.m.	Legislative Committee
13	9:15 a.m.	CDC Committee
14	4:00 p.m.	NSTF, Danvers
19	9:00 a.m.	Executive Committee
	4:00 p.m.	TRIC
	7:30 p.m.	MetroWest Growth Mngt.
	7:30 p.m.	MetroWest Water
		Resources Comm.
20	3:00 p.m.	SWAP, Wrentham
	7:00 p.m.	MAGIC, Maynard
	7:30 p.m.	SSC, Norwell
26	3:30 p.m.	Annual Council Meeting,
	_	Weston
31	Holiday	

Please call ahead to confirm time and date.

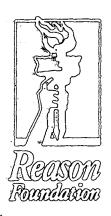
accessed as espectation of the control of the contr

SEVENTH ANNUAL REPORT ON PRIVATIZATION

IPRIVATIZATION 1993



A Comprehensive Report on Privatization
of Government Assets, Enterprises, and Public Services
Service Contracting Infrastructure Commercial Assets



3415 S. Sepulveda Blvd., Suite 400 o Los Augeles, CA 20034 o 310/391-2245

TOWN OF ACTON 472 Main Street Acton, Massachusetts 01720 Telephone (508) 264-9612 Fax (508) 264-9630

Don P. Johnson
Town Manager

... April 30, 1993

Geoffrey & Joan Sackman 64 Charter Road Acton, MA 01720

re: Charter Road Sidewalk

Dear Mr. & Mrs. Sackman:

As I understand, during the past Fall and Winter, the Engineering Administrator has attempted to negotiate an acceptable design concept and the grant of a sidewalk easement along your frontage on Charter Road. This agreement is essential for construction work to continue on the next phase of this project.

Road as do most of your neighbors, but may feel the need to discuss issues of concern with me or my staff or possibly a member of the Board of Selectment. Please call me at 264-9612 to arrange a meeting at your convenience. This sidewalk is an important amenity for pedestrian safety, especially students walking to and from the school complex:

Your public spirited cooperation is and will be greatly appreciated by the citizens of Acton.

Very truly yours,

Don P. Johnson Town Manager

DPJ/dmi

cc: Board of Selectme

*Superintendent of Schools

Engineering Administrator

Highway-Superintendent

Municipal Properties Director



APR 2 6 1933

ENGINEERING DEPARTMENT

472 MAIN STREET ACTON, MA 01720

April 22, 1993

Mr. Roy Smith 292 Great Road Acton, MA 01720

re: Post Office Square Signals

Dear Roy:

I have not as yet heard from your attorney concerning the legal agreement between you and the Town of Acton spelling out the cobligations of the parties regarding the installation of traffic signals at the Post Office Square/Main Street intersection. The draft form of the agreement was sent to you July 12, 1991.

Any proposed revisions will have to be hammered out with our attorneys and the document signed by all parties before installation of the signals can proceed. Please return this document with any suggested revisions as soon as possible.

...Very truly yours,

David F. Abbt

Engineering Administrator

DFA/dmj

cc: Don P. Johnson, Town Manager V Garry Rhodes, Building Commissioner

HISTORIC DISTRICT COMMISSION MINUTES---2/10/93

Present: AnnForbes, Whit Mowry, Chris Dallmus, Tom Peterman, Michaela

Moran, Sandy Schmidt

Meeting came to order at 7:45-p.m. Minutes of 2/1/93 were approved as amended.

ANNOUNCEMENTS: Applie. #9215 For 48 Windsor Ave. will be issued a Certificate of Appropriateness by Forbes.

APPLICATIONS: #9214-- 56 Windsor Ave. -- Fee received. It was voted unanimously to issue a Certificate of Appropriateness for front steps with addition of new rail and balustrade.

9217B--15 Chadwick St. Before discussion began, Whit Mowry removed himself from discussion and vote due to potential conflict of interest. Those of us who had look at Piper Rd. installation were discouraged by the way it looked up close. Ann had contacted the Dept. of Public Health to see if in fact Mr. µelon could do exterior work himself. One DPH official stated that if he didn't plan to get a letter of compliance, he could; another DPH official implied that a certified de-leader would have to do up to five feet above grade. The commission also determined that the application as presented does not fulfill the requirements for the granting of a Certificate of Hardship under Section 7.9.

Chris moved to deny the application for a Certificate of Appropriateness for all-15 Chadwick St. for work described under application #9217B for re-siding consisting of 3/4" styrofoam, covered with white vinyl siding. This denial is based on the fact that the siding and trim are of a material and design not compatible with the present architectural features of the residence. Under Section 8.1 of the bylaw. In addition this denial is based upon the fact that the siding material if incongruous to the historical aspect and character of the South Acton Historic District — Section 8.5 of bylaw cited." IT WAS VOTED UNANIMOUSLY TO DENY THE APPLICATION, Peterman voting for Gates.

This application as presented to the commission therefore does not fulfill the requirement for the granting of a Certificate of Hardship under Section 7.9." Ann will do a cover letter which will identify those areas on the property which may be outside of our jurisdiction on this matter.

Meeting adjourned 9:40 p.m.

Submitted by, Sandra Schmidt

approper

April 27, 1993

APR **2.9** 1933

Judith McDonough, Executive Director
Massachusetts Historical Commission
80 Boylston Street
Boston, MA 02116

Dear Ms. McDonough:

The Massachusetts Highway Department has recently begun preparatory work for the installation of a traffic signal and other improvements to the intersection of Massachusetts Avenue (Route III) and Central Street in Acton. It is our understanding that the design for this project was approved in April of 1992. Since then, however, the area in which the changes will take place has been designated a Chapter 40-C Historic District (as of June 22, 1992.)

The Acton Historic District Commission would appreciate MHC's assistance in the review and evaluation of any changes proposed to the project design since the Historic District was designated. Although grade-level alterations are excluded from Acton's Historic District Bylaw, the Commission would like to be informed of above-grade design changes, including any proposals involving signage, so that we may participate in the mitigation of the project's effects on the character of the surrounding district. It should be noted that several more properties abutting the intersection have been added to the Acton Historic Properties Inventory since MHC first reviewed the area in 1987.

Thank you for your help. Lacan be reached by telephone at my home at 508-263-2227 if you have any questions.

Sincerely yours,

Anne Forbes, Chair

Acton Historic District Commission

Attn: Allen Johnson, MHC Preservation Planner

Robert Wolfson, Resident Engineer, Mass Highway Dept., District 3
Peter Donohüe, Mass. Highway Dept., District Director, District 3
David Abbt, Acton Town Engineer

ACTOR Building Commissioner

Don Johnson, Acton Town Manager

Board of Selectmen, Town of Acton

211 No. 12th St. Lincoln, NE 68508 (402) 474-5655

April 21. 1993

SHONORARY TRUSTEES

STEWART UDALL F. DALE ROBERTSON Resource Chairman USDA Forest Service Chie EDDIE ALBERT

National League of Cities DOUG! AS BERFUTER

J. THOMAS COCHBAN " Executive Director
U.S. Conference of Mayors

MRS. EUGENE A. DAVIDSON

LADY BIRD JOHNSON BILL KRUIDENIER

JACK LORENZ Executive Director Izaak Walton League J. MICHAEL McCLOSKEY...

Chairman Sierra Club MAXINE (Mrs. Frank) MORRISON Coordinator National Awards Ceremonies

JAMES C. OLSON J. Sterling Morton Biographer -

R. NEIL SAMPSON Executive Vice President -American Forestry Association -Executive Vice President Nat Asso of Conservation Districts R.E. TED TURNER

Chairman Turner Broadcasting System: LAURENCE D. WISEMAN American Forest Council

BOARD OF TRUSTEES

JIM LEUSCHEN -- **

DR. GARY HERGENRADER DALE BREE HELEN BOOSALIS CHARLES CHACE DR. ROBERT LIVINGSTON DR. JAMES O'HANLON

EXECUTIVE DIRECTOR JOHN ROSENOW

SHISAN SEACREST

Mr. Don P. Johnson Town Manager 472 Main St. Acton, MA 01720

Dear Mr. Johnson:

Society of American Foresters 200 Congratulations to Acton on being named as a 1992 Tree City_USA!

U.S. Congressman for the quality of. The trees we plant and care for today will cool our cities, fight pollution, conserve energy, and give wildlife a home for years to come.

> The Tree City USA award indicates that you take ... your municipal tree-care responsibilities seriously.

An effective community forestry program is an ongoing process of growth and renewal -- a program of planting and care that continues through the years. a Tree City USA, you have a solid foundation for that process of improvement.

Tree City USA is sponsored in cooperation with the National Association of State Foresters. State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward your awards to Ernest W. DeRosa in your state forester's office. They will be coordinating the presentation with you. It would be especially appropriate to make the Tree City USA award a part of your Arbor Day ceremony.

Again, congratulations on receiving this national recognition for your tree-care program.

Best) regards

John Rosenow

*Executive Director

JR/my

cc: _Ernest W. DeRosa Dean A. Charter

Americans dedicated to tree planting and environmental stewardship.



APR 2.9 1933



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

Central Regional Office

Governor

Daniel S. Greenbaum

April 22, 1993

Notice of Document Availability

Site:

East Acton Mobil

The second secon

Address:

44 Great Road, Acton

Documents:

Letter Report On Ground-Water Treatment System

Performance for February 1993

Emergency Discharge Permit issued to Mobil by the Environmental Protection Agency (EPA) in August 1991. The report presents the results of water samples collected from the ground-water treatment system in February 1993, in accordance with a letter from EPA to Mobil dated August 20, 1991. Due to the nature of this document, there will be no formal comment period. However, after six months of continuous operation of the treatment system, Mobil will submit a formal Performance Report. A comment period will be given and a public meeting will be held to present the findings in the Performance Report.

A copy of this report has been placed in the repository at the Acton Memorial Library. This report may be reviewed by the public during the library's normal operating hours. If you have any questions regarding the report, please contact Radesha Thuraisingham Lat (508) 792-7653.

Yours truly,

Daniel J. Hannon Section Chief

* Waste Site Cleanup

.DJH/DTB/RT/rt

Cc: East Acton Mobil mailing list



TIONAL NURSING-HOME WEEK **MAY 9-15, 1993**

LING JOHN RYLARD AND QUEER DOROTHY HOLLYWOOD

REQUEST THE HOROR OF YOUR PRESENCE AT

SUBURBAR WAROR CELEBRATIONS



FOR MOMS AND FAMILIES

MONDAY 3:00 PM SILVER TEA IN THE DINING ROOM

FOR ALL VOLUNTEERS

TUESDAY 2:00 PM ANIMALS AS INTERMEDIARIES

(EXOTIC PET SHOW)

FOR RESIDENTS AND FAMILIES

WEDNESDAY 3:00 PM OLD FASHIONED DAY

WINNERS OF STAFF BABY PICTURE CONTEST RESIDENT'S STORY COLLECTION FEATURED

SINGALONG AND TOURS

ICE CREAM SUNDAES

FOR RESIDENTS, FAMILIES AND COMMUNITY

BAR-B-QUE ON THE PATIO

RAIN DATE TBA

SERVED BY MANAGEMENT AND SUPERVISORY STAFF

FOR RESIDENTS AND FAMILIES

FAMILY MEMBERS PLEASE CALL FOR RESERVATIONS TO

263-9101 BY THURSDAY 5/13.

ACTON COMMUNITY CHORUS

TO HONOR OUR WONDERFUL STAFF, A DRAWING FOR A WEEKEND GETAWAY FOR TWO WILL BE HELD ON MONDAY, MAY, 16 IN THE AFTERNOON. THE NAMES OF ALL STAFF MEMBERS A PARTICULAR PLACED "IN THE HAT" AND MR. ANDERSON WILL ANNOUNCE THE NAME OF THE WINNER.

TOWN OF ACTON

EXAMPLE 2018 INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 515100

DATE: 5/5/93

TO: All Department Heads and Town Boards

FROM: John Murray.

SUBJECT: Proposed Selectmen Policy Memorandum

Attached are five proposed Selectmen's Policy statements drafted by the Chairman of the Board of Selectmen, Dore! Hunter. Chairman Hunter is very interested in receiving comments from all interested parties, and has stated that it will be his practice to seek input concerning matters before the Board of Selectmen from a wide spectrum of the community.

Staff members should submit their comments to the Town Manager and Town Board members should address their comments to Chairman Hunter.

Thank you for your time and consideration

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

_DATE: 5/5/93

TO: School Committee c/o Bill Ryan

FROM: John Murray

SUBJECT: Proposed Selectmen Policy Memorandum

Original Faxed on 5/4/93

drafted by the Chairman of the Board of Selectmen, Dore' Hunter. Chairman Hunter is very interested in receiving comments from all interested parties; and has stated that it will be his practice to seek input concerning matters before the Board of Selectmen from a wide spectrum of the community.

School Committee members should address their comments to Chairman Hunter.

Thank you for your time and consideration

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

DATE: 5/5/93

TO:- Don MacKenzie, Town Moderator

FROM: John Murray

SUBJECT: Proposed Selectmen Policy Memorandum

Attached are five proposed Selectmen's Policy statements drafted by the Chairman of the Board of Selectmen, Dore' Hunter. Chairman Hunter is very interested in receiving comments from all interested parties, and has stated that it will be his practice to seek input concerning matters before the Board of Selectmen from a wide spectrum of the community.

Comments should be addressed to Chairman Hunter.

Thank you for your time and consideration

To: Dean Charter, Municipal Properties Director

From: Acton Conservation Commission

Morene Bodner Vice Chairman

Date: ____ May 3, 1993

Subject: Malathion Spraying of Conservation Lands

As you are aware, Commissioners Morene Bodner and Ann Shubert have been reviewing Acton's mosquito control procedures, they presented information on this issue at the Commission's April 7, 1993 meeting.

The following information about malathion was reviewed:

- Malathion is designed to have a short lifetime in the environment to avoid the kind of accumulation that occurred with DDT. It can only kill adult mosquitoes when they are flying. Because new generations of some species emerge again within a few (1-4) days, the spraying of malathion is not very effective.
- 2. The effect of malathion on humans is not fully understood. Malathion is a nerve toxin to humans; some of the possible effects are headache, chest tightness, shortness of breath, skin irritation and nausea. The cumulative effect on humans of repeated low-level malathion exposure is unknown.
 - 3. Shrimp, crabs, bees, some species of fish and aquatic invertebrates are especially sensitive to marathion. The legal label on the poison warns against applying it directly to water.
- 4. Truck fogging of malathion has an effective range of up to 300 feet. This method of distribution is most effective in an urban setting where streets are arranged in a grid pattern;

 Acton does not fit this description!

In conclusion, malathion is a short-term, low-effective means of mosquito control. It is harmful to the wildlife habitat-we are trying to protect on conservation, land and are legally responsible for protecting under the Wetlands Protection-Act. Malathion spraying actually has the potential for increasing the number of mosquitoes in the long-term since it is toxic to some of the mosquito's natural predators.

Accordingly, the Commission requests that you exclude all the conservation lands under our jurisdiction from the spray program. We will ensure that all of the frontage is appropriately posted.

The issue of mosquito control is an emotional and politically sensitive one. As we move further into the 1990's, we would like to promote more environmentally sound methods of pest control in Acton. Source reduction and larvaciding are two methods of mosquito control that are far less damaging and also far more effective than malathion spraying. We are planning a process of educating the community about these alternatives and would welcome your participation/input.

cc: Board of Selectmen
Board of Health



environmental engineers; scientists, = planners, & management consultants

May 3, 1993

Report IN RF

CAMP DRESSER & McKEE INC.

. Ten Cambridge Center .Cambridge, Massachusetts 02142

... Ms. Lynne Jennings U.S. Environmental Protection Agency Waste Management Division Region I 90 Canal Street Boston, MA 02114

Mr. Edmond G. Benoit Regional Engineer Bureau of Waste Management Massachusetts Department of Environmental Protection 75 Grove Street Worcester, MA 01605

Subject: W.R. Grace & Co., Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) hereby submitts, for your review, the Fourth Qualter Report 1992 for the Landfill Monitoring Wells Sampling and The same of the sa

Very truly yours,

CAMP DRESSER & McKEE INC.

Brua R. Contl.

Bruce R. Conklin, P.E. Vice President

BRC:paa

#798-121-RT-REPT

DISTRIBUTION:

Lynne Jennings (6) - Edmond Benoit (2)

C. Tuttle, DEP Boston (2)
P. Reiter, GZA (2)
D. Kronenberg, Grace (1)
J. Swallow, Pine & Swallow (1)

C. Tuttle, DEP Boston (2)
S. Anderson (1)
H. Fox Sierra Club (1)

M. Moore, Concord Board of Health (1)

C. Myette, Wehran-MDEP (1)

W. Cheeseman, FHE (1)

R. Eisengrein, ACES Tag Mgr. (1)

D. Johnson, Acton (1)

Cen BOS

11 KEARNEY SO. LOWELL, MA 01852 (508) 459-0101

AY STATE BUILDING 11 LAWRENCE ST. LAWRENCE, MA 01840

. 255 MAIN ST. **ROOM 102** MARLBOROUGH, MA 01752 (508) 460-9292

MARTIN T. MEEHAN 5TH DISTRICT, MASSACHUSETTS

1216 LONGWORTH HOUSE OFFICE BUILDING

ARMED SERVICES

SUBCOMMITTEE ON MILITARY. FORCES AND PERSONNEL SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY SUBCOMMITTEE ON READINESS SMALL BUSINESS

SUBCOMMITTEE ON SBA LEGISLATION AND THE GENERAL ECONOMY SUBCOMMITTEE.ON REGULATION, BUSINESS OPPORTUNITIES AND TECHNOLOGY

April 19, 1993

Don P. Johnson Town Manag 472 Main Street Acton, MA 01720

... Dear Mr. Johnson:

This letter is to invite you to an open-forum "town meeting" I will be hosting in Acton in three weeks.

Congress of the United States

Washington, BO 20515-2105

House of Representatives -

The "Tell it to your Congressman" session is scheduled for (Saturday, May 8, at 11:00 a.m) at the Acton Town Hall. This meeting will give Acton residents an opportunity to ask me questions and to tell me how I can best represent their interests in Washington. I hope that you will be able to attend and Iwould appreciate it if you could encourage other residents to

I also would like to meet with you and other town officials before the town meeting in the same location. This informal gathering will enable us to get to know each other better and will help me learn about the issues that most concern you.

Talook forward to seeing you on May 8 and to working with you in the future.

Sincerely,

Marty Meehan

Member of Congress

MAY 3 1993

MEMBERS OF ACTON BOARD OF SELECTMEN:

YOU ASKED AT THE LATEST TOWN MEETING FOR SUGGESTIONS FOR THE MANAGEMENT OF ACTON WHILE SAVING TAXPAYER MONEY. I WILL BE ASCONCISE AS POSSIBLE WITH MY SUGGESTIONS.

THE TOWN SHOULD

- 1. CONSOLIDATE TOWN/SCHOOL FUNCTIONS. IN A TOWN WITH A WORKFORCE AS SMALL AS ACTOM'S, WE HAVE NO NEED FOR 2 PERSONNEL SYSTEMS, OR 2 BUSINESS MANAGEMENT/PURCHASING SYSTEMS, EACH WITH 1 OR MORE MANAGERS.
- 2. VITH THE NUMBERS OF STUDENTS IN THE REGIONAL JUNIOR AND SENIOR HIGH-SCHOOLS, THERE CAN BEIND JUSTIBLEATION FOR HAVING 5 PRINCIPALS, ASSISTANT TO THE PRINCIPAL.
- 3. WITH THE COST OF LIVING INCREASE RUNNING ON THE ORDER OF 3.5%, AND WITH ACTON TAXPAYER'S ALREADY HURTING, IT IS DIFFICULT. TO JUSTIFY THE SALARY INCREASE BUDGETED FOR PRINCIPALS FOR 1993/94, ESPECIALLY IN VIEW OF THEIR RECENT 9% INCREASE.
- 4. IN A SCHOOL SYSTEM THE SIZE AND COMPLEXITY OF ACTON'S, NO JUSTIFICATION EXISTS FOR A SUPERINTENDANT'S OFFICE HAVING 9 MANAGERS/COORDINATORS WITH A PROBABLE SALARY RANGE BETWEEN \$50-75,000 PER YEAR.
- 5. IN A TOWN THE SIZE AND COMPLEXITY OF ACTON, WHICH UNTIL A FEW YEARS AGO, WHEN THE TOWN WAS ONLY SLIGHTLY SMALLER, HAD NO TOWN MANAGER, THERE CAN BE NO JUSTIFICATION FOR A TOWN MANAGER, AND MORE THAN A DOZEN DEPARTMENT HEADS.
 - 6. WITH SO MANY TOWN VEHICLES READILY AVAILABLE TO THEM, I FIND IT HARD TO JUSTIFY PROVIDING TOWN OR SCHOOL OFFICIALS SUCH AS THE SCHOOL SUPERINTENDANT WITH PERSONAL VEHICLES.
- PERHAPS IF PARENTS WANT THEIR CHILDREN IN A CERTAIN SCHOOL, NOT THE NEAREST ONE TO THEIR NEIGHBORHOOD, THEY SHOULD PROVIDE THE TRANSPORTATION TO THE SCHOOL OF THEIR CHOICE. SCHOOL CHOICE IS VERY EXPENSIVE.

HERSCHEL C JONES

WEST ACTON

Volunteer Coordinating Committee Minutes 22 March 1993

Present: Comstock, George, Husbands, Kadlec, Lane, Powers, Whitcomb

Meeting was called to order at 7:30 pm at Town Hall. Minutes of 8 March 1993 were approved as corrected.

Interviews:

Sidney A. Johnston appeared before the Volunteer Coordinating Committee inquiring about appointment to the Finance Committee. Mr. Johnston is a Patent Attorney with Digital Equipment Corporation and has lived in Acton and the Commonwealth of Massachusetts for the past four and a half years. His background is in Physics and he has been admitted to the Bar in the State of Illinois. He indicated that he is interested in Community Service and thinks that his training and background would be an asset to the Finance Committee. He has attended Town Meeting and has observed the interplay between the Finance Committee, the Board of Selectmen, and the town meeting attended.

Board of Selectmen Action:

Committee: Sharon Ingraham, Laura Hirsch, Alfred Weissensee, John Covert, Leslie Hogan, James Shelton + Michael Granat Response from Committee Chairmen:

Information on membership and goals was received back from four committees, these include the Prison Advisory Committee; Hanscom Field Advisory Commission, Conservation Commission, and the Board of Assessors.

Data Base Development:

Betsy Comstock gave a status report on the VCC Data Base currently under development. Betsy indicated that the relational database is difficult to use but is making considerable progress. She will keep the committee apprised of her progress.

Recommendations:

A motion was made to recommend Royce Christensen as an associate for the Conservation Commission, with a term expiring 30 June 1994. The motion was carried unanimously.

Swem In:

Walter George indicated that Jacqueline Clement was sworn in as a member of the Acton/Boxborough Arts Council on 11 March 1993, with a term expiring on 30 June 1994.

The meeting was adjourned at 9:30 pm with the next meeting scheduled for 26 April, 1993.

Respectfully Submitted.

Charles R. Husbands

cc Board of Selectmen, Town Clerk